

transactions shall be exempt from said transaction tax; providing that production of natural resources of this State shall be subject to such transaction tax and fixing the date such tax shall be effective against such production, and determining the person liable for such tax; providing that if such transaction tax against production of natural resources fails or cannot be collected, a severance tax of one and six-tenths (1.6%) per cent of the value of such production be and is levied on such production in lieu of said transaction tax; providing for collection of such tax by the Comptroller of Public Accounts and payment thereof to the State Treasurer; providing that such tax funds shall be credited to the Texas Old Age Assistance Fund, and requiring the transfer of certain of such funds to the Confederate Soldiers Pension Fund, Destitute Children Assistance Fund and Teacher's Retirement Fund, and fixing the amount and time of such transfers; providing for the exclusive use which shall be made of such funds, and providing that no other tax shall be levied for the payment of old age assistance, Confederate Soldiers pensions, destitute children assistance and teachers' retirement pensions; providing for payment of part of surplus tax into General Fund of the State; allocating such tax funds in case the same be inadequate to pay assistance as provided in this amendment; prohibiting counties, cities and other political subdivisions from levying transaction tax; giving the Legislature power by General Laws to provide for administration of the provisions contained herein and for the collection of all taxes herein levied; proposing to amend the Constitution of the State of Texas by adding thereto Section 1-b to Article VIII, abolishing all State ad valorem taxes from and after January 1, 1941, except as to property situated in counties or political subdivisions receiving a remission of State taxes, and further providing that State revenue received from cigarette tax shall be allocated to Available School Fund, and specifying what use may be made thereof; providing for submission of amendment to qualified electors of the State and fixing the time of such election; providing for the necessary proclamation and making an appropriation to defray the expenses of

proclamation, publication and election.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

#### FORTY-FOURTH DAY

(Monday, March 27, 1939)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Morse.

The roll of the House was called, and the following Members were present:

|                      |                    |
|----------------------|--------------------|
| Mr. Speaker          | Ferguson           |
| Allen                | Fielden            |
| Allison              | Fuchs              |
| Alsup                | Galbreath          |
| Anderson             | Gilmer             |
| Bailey               | Goodman            |
| Baker of Grayson     | Gordon, Mrs.       |
| Bell                 | Hale               |
| Blankenship          | Hamilton           |
| Bond                 | Hankamer           |
| Boyd                 | Hardeman           |
| Boyer                | Hardin             |
| Bradbury             | Harp               |
| Bradford             | Harper             |
| Bray                 | Harrell of Bastrop |
| Bridgers             | Harrell of Lamar   |
| Broadfoot            | Harris             |
| Brown of Cherokee    | Hartzog            |
| Brown of Nacogdoches | Heflin             |
| Bundy                | Holland            |
| Burkett              | Howard             |
| Burney               | Howington          |
| Cauthorn             | Hull               |
| Celaya               | Hunt               |
| Chambers             | Isaacks            |
| Clark                | Johnson of Ellis   |
| Cleveland            | Johnson of Tarrant |
| Cockrell             | Keith              |
| Coleman              | Kennedy            |
| Colquitt             | Kern               |
| Colson, Mrs.         | Kerr               |
| Cornett              | Kersey             |
| Corry                | Kinard             |
| Crossley             | King               |
| Daniel               | Langdon            |
| Davis of Jasper      | Lehman             |
| Davis of Upshur      | Leonard            |
| Dean                 | Leyendecker        |
| Derden               | Little             |
| Dickison             | Lock               |
| Dickson              | Loggins            |
| Donaghey             | London             |
| Dwyer                | Mays               |
| Faulkner             | McAlister          |
| Felty                | McDaniel           |
|                      | McDonald           |

|                 |                  |
|-----------------|------------------|
| McFarland       | Shell            |
| McMurry         | Skiles           |
| McNamara        | Smith of Frio    |
| Mohrmann        | Smith of Hopkins |
| Monkhouse       | Smith            |
| Montgomery      | of Matagorda     |
| Morris          | Spencer          |
| Newell          | Stinson          |
| Nicholson       | Stoll            |
| Oliver          | Talbert          |
| Pace            | Tarwater         |
| Petsch          | Taylor           |
| Pevehouse       | Tennant          |
| Piner           | Thornberry       |
| Pope            | Thornton         |
| Ragsdale        | Turner           |
| Reader of Bexar | Vale             |
| Reader of Erath | Vint             |
| Reaves          | Voigt            |
| Reed            | Waggoner         |
| Rhodes          | Weldon           |
| Riviere         | Wells            |
| Roach           | Westbrook        |
| Roberts         | White            |
| Robinson        | Wilson           |
| Russell         | Wood             |
| Schuenemann     | Worley           |
| Segrist         | Wright           |

Absent—Excused

|              |         |
|--------------|---------|
| Baker        | Dowell  |
| of Fort Bend | Winfree |

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Our Heavenly Father, Thy smile is upon us in the beautiful physical conditions that surround us. May Thy leading hand guide, and Thy spirit enlighten us, as we resume our work this morning,—a work that daily grows more serious and more demanding. In Jesus' name. Amen."

#### LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Winfree for today, on motion of Mr. Montgomery.

Mr. Pope for today, on motion of Mr. Boyd.

Mr. Baker of Fort Bend for today, on motion of Mr. King.

Mr. Ragsdale was granted temporary leave of absence for today, on motion of Mr. Schuenemann.

The following Member was granted leave of absence on account of illness:

Mr. Dowell for today, and the balance of the week, on motion of Mr. Morris.

#### HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Blankenship, Mr. Segrist, Mr. Stinson, Mr. Colquitt, Mr. Reed and Mr. McDaniel:

H. B. No. 909, A bill to be entitled "An Act to amend Article 1654a, Section 1, of the Revised Civil Statutes; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Rhodes:

H. B. No. 910, A bill to be entitled "An Act validating, ratifying and confirming all elections held for the issuance of bonds for the purpose of building school houses in consolidated common school districts in this State, where such school districts are located in counties having a population of not less than twenty-seven thousand, one hundred (27,100), and not more than twenty-seven thousand, four hundred and ten, (27,410), according to the last Federal Census, or any subsequent Federal Census; and where such school districts have a scholastic population, according to the 1938-1939 scholastic enumeration as shown in the Census Division of the Department of Education, of not less than one hundred (100), nor more than one hundred and thirty (130) pupils within the scholastic age; making said law cumulative of all laws now in force in this State, not in conflict herewith, and declaring an emergency."

Referred to the Committee on School Districts.

Mr. Kinard asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 911.

There was no objection offered.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Kinard (by request):

H. B. No. 911, A bill to be entitled "An Act amending Article 1377 of the

Penal Code of the State of Texas of 1925, so that whoever shall enter upon the inclosed or uninclosed land of another without the consent of the owner, proprietor or agent in charge thereof, and hunt with firearms or catch any game thereon, or thereon catch or take or attempt to catch or take any fish from any pond, lake, tank, or stream on said land, or in any manner depredate upon the same, or take or attempt to take any property from the inclosed or uninclosed land of another, shall be guilty of a misdemeanor; defining what constitutes 'inclosed land,' and specifying that proof of ownership or lease or agency may be made by parol testimony; providing a penalty, and declaring an emergency."

Referred to the Committee on Judiciary.

Mr. Bell asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 912.

There was no objection offered.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Bell, Mr. Bradbury, Mr. Keith, Mr. Boyd, Mr. Reader of Bexar, Mr. Harrell of Bastrop, Mr. Newell, Mr. Riviere, Mr. Petsch, Mr. Bradford, Mr. Schuenemann, Mr. Loggins, Mr. Hunt, Mr. Dwyer, Mr. McNamara and Mr. Leyendecker:

H. B. No. 912, A bill to be entitled "An Act further regulating the sale, transportation, storage, manufacturing, etc., of alcoholic beverages in this State under the Texas Liquor Control Act by repealing Subsection (d) of Section 3, Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by Section 1 of House Bill No. 5, Acts of the Revised Statutes of the Forty-fifth Legislature; by amending Sections 4(a), 11, 15(b), 15(c), 17, 19, 21, 29, 30, 32, 33, 35, 37, 38, 39 and 41 of Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by House Bill No. 8, Acts of the Third Called Session of the Forty-fourth Legislature, and House Bill No. 432, Acts of the Revised Statutes of the Forty-fifth Legislature, House Bill No. 5, Acts of the Revised Statutes of the Forty-fifth Legislature, and Senate Bill No. 20, Acts of the

First Called Session of the Forty-fifth Legislature; amending Subsection (d) of Section 45, Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by House Bill No. 5, Acts of the Revised Statutes of the Forty-fifth Legislature; repealing Sections 42 and 44 of Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by House Bill No. 5, Acts of the Revised Statutes of the Forty-fifth Legislature; amending subdivision 6 of Section 12, Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by Section 12 of House Bill No. 5, Acts of the Revised Statutes of the Forty-fifth Legislature; amending said Act by adding to Article I thereof, Sections 43 and 44, regulating the issuance of licenses and permits and defining certain terms; amending Section 6, Article II, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by Section 50 of House Bill No. 5, Acts of the Revised Statutes of the Forty-fifth Legislature; amending Subsection (a), Section 7, Article II, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by Section 50 of House Bill No. 5, Acts of the Revised Statutes of the Forty-fifth Legislature, amending Subsections (d) and (e) of Section 7, Article II, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by Section 50, of House Bill No. 5, Acts of the Revised Statutes of the Forty-fifth Legislature, and as further amended by Section 13 of Senate Bill No. 20, Acts of the First Called Session of the Forty-fifth Legislature; by adding to Article II thereof a new Section to be known as Section 10½A, conferring upon cities and towns in this State the power to impose additional regulations upon the sale of alcoholic beverages; amending Section 23, Article II, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by adding thereto a new subdivision to be known as (n), allocating the revenues derived from the sale of beer; amending Section 26, Article II, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended, so as to clearly prescribe penalties for violations of said Act; making appro-

priations; providing a savings clause, and declaring an emergency."

Referred to the Committee on Liquor Traffic.

ADDITIONAL SIGNERS OF  
HOUSE SIMPLE RES-  
OLUTION NO.  
184

Mr. Hamilton and Mr. Pevehouse were authorized to sign House Simple Resolution No. 184.

TO PROVIDE FOR COMMITTEE  
TO MAKE CERTAIN REC-  
OMMENDATION

Mr. Bradbury offered the following resolution:

H. S. R. No. 188, To provide for committee to make certain recommendation.

Whereas, There is an apparent deadlock on the part of the Members of the House as to the method of caring for the social security program now facing this Session of the Legislature; and

Whereas, The Legislature has only about six weeks of the 120-day session remaining and unless something is done there is grave fear that this session will end in failure and the social security program will be uncared for; and

Whereas, It is the opinion of the majority of the Members of this House that by the application of reason and maintaining a level head that the different factions in the House may be brought together in a spirit of compromise to unite on one program that will take care of the situation and a program that a majority of the Members of this House would be willing to support; now, therefore, be it

Resolved, That the Speaker of the House appoint a committee of 10 Members of the House, with five Members of the committee being appointed from that group who last Thursday voted in favor of House Joint Resolution No. 16 and five Members of the group who opposed House Joint Resolution No. 16 and that said committee meet and in a reasonable, level headed, cool and deliberate manner attempt to iron out the differences between the factions in the House and agree upon and recommend back to the House their findings and recommendations as to how the problem might be solved, taking into considera-

tion the fact that we want to take care of the social security program, that we want a fair and equitable tax system and at the same time consider the deficit in the general revenue and recommend some method by which we can take care of said social security program, have a fair and equitable tax program and at the same time recommend some program that would lead to the retirement of the deficit in the General Revenue Fund.

BRADBURY,  
SKILES,  
FIELDEN.

The resolution was read second time, and was adopted.

MESSAGE FROM THE SENATE

Austin, Texas, March 27, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has passed the following:

S. B. No. 286, A bill to be entitled "An Act authorizing any incorporated city in this State having a population of not less than 53,000 and not more than 57,000, according to the preceding Federal Census, to create by ordinance a Municipal Retirement Board, and to adopt a plan to pay retirement allowances to retire city employes; providing for the submission to a vote of the taxpayers of any such city the question of empowering the governing body to appropriate from public revenues each year to augment the retirement fund, and declaring an emergency."

S. B. No. 303, A bill to be entitled "An Act creating a Conservation and Reclamation District composed of Kerr County, to be known as the Upper Guadalupe River Authority, pursuant to and for the purposes set forth in Section 59-a of Article 16, of the Constitution of the State of Texas, and to be a governmental agency, body politic and corporate without power to mortgage or encumber any of its property, or to alienate any property necessary to its business, or to levy taxes or assessments or to create any indebtedness payable out of taxes or assessments, or to pledge the credit of the State, fixing boundaries thereof, conferring thereon all powers, rights, privileges and functions conferred by General Law upon districts created pursuant to said Section 59-a, except

as expressly limited, conferring certain powers thereon, including power of control, storage, preservation, use and distribution of the waters of the Guadalupe River and its tributaries, and declaring an emergency."

Respectfully,

BOB BARKER,  
Secretary of the Senate.

#### NAMING MARILYN INEZ CARLSON MASCOT OF THE HOUSE

Mr. Smith of Hopkins offered the following resolution:

H. S. R. No. 189, Naming Marilyn Inez Carlson Mascot of the House.

Whereas, We have with us a proper person for Mascot of the House of Representatives of the Forty-sixth Legislature; now, therefore, be it

Resolved, That Marilyn Inez Carlson, daughter of the Hon. David C. Carlson, of Austin, Texas, be hereby officially named by this House as Mascot of the House of Representatives of the Forty-sixth Legislature of the State of Texas; and, be it further

Resolved, That the said Mascot have her picture made and placed in the official group of this body.

SMITH of Hopkins,  
BOYD.

The resolution was read second time, and was adopted.

#### RELATIVE TO GROUP PICTURE OF THE THIRTEENTH LEGISLATURE

Mr. Smith of Frio offered the following resolution:

H. S. R. No. 186, Relative to group picture of the Thirteenth Legislature.

Whereas, The times in Texas between the years 1866-1873 presented various and sundry questions involving Constitutional interpretations and limitations of rights of citizens, due to the principles of Government of what has been termed the "carpet bag period" in the South; and

Whereas, The Membership of the Thirteenth Legislature, 1873, was composed of a majority of re-enfranchised citizens of Texas, and was the entering wedge to the return of Democratic Government, and the end of carpet bag rule in Texas.

Whereas, The Thirteenth Legislature has been termed the "Liberators," due to their efforts to re-establish a

Democratic form of Government, and to liberate the State from the dominance and control of those who adhered to the idea of disfranchisement of all citizens who were not willing to take what was at that time termed "the iron-clad oath;" and

Whereas, The custom of commemorating the memory of the personnel comprising the Legislature of the State, by preserving for posterity the pictures of the Members comprising such Legislature, had begun prior to the Session of the Thirteenth Legislature; and

Whereas, That custom has extended to the present day, and is a worthy and proper recording of the Membership comprising the various Legislatures; and

Whereas, The picture of the Thirteenth Legislature, now on the wall of the House of Representatives, so aptly and correctly styled the "Liberators," for the reason that the majority of the Membership thereof were loyal Southern Democrats, should be preserved for posterity, and should be handed down through the years to the generations of all time; and

Whereas, Said picture has become dimmed by age and partially obscured by the ravages of time; and

Whereas, It is desirable and proper that this picture be preserved as an inspiration to the citizenship of this State, present and future; and

Whereas, It is believed that it would be proper that the Committee on Legislative Pictures be authorized to have said picture photographed, retoned and re-touched in such a manner as to bring out more clearly and legibly the pictures of the Members comprising said group, and notations concerning them; and

Whereas, There is located at Camp Mabry a Photographic Division of the Department of Public Safety, who are capable and skilled in the matter of photographing, re-toning and re-touching such pictures; and

Whereas, The work by this Department could be done with a minimum of cost to the Legislature; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, That the Committee on Legislative Pictures be authorized and instructed to arrange with the Photograph Division of the Department of Public Safety, or some other capable and efficient

photographer to photograph, re-tone and re-touch the picture of the membership of the Thirteenth Legislature; and that all expenses incident thereto be paid out of the Contingent Expense Fund of the House of Representatives, providing the expenses shall not exceed Fifty (\$50.00) Dollars; and, be it further

Resolved, That when said picture is photographed, re-toned and re-touched, the new picture shall be properly framed and placed on the wall of the House of Representatives, and that the original picture be delivered to the Superintendent of Archives of the State Library to be preserved and kept with other ancient documents and relics, and it is so resolved.

SMITH of Frio,  
LEYENDECKER.

The resolution was read second time, and was adopted.

#### APPOINTMENT ON STANDING COMMITTEE ANNOUNCED

The Speaker announced the appointment of Mr. McAlister to the Committee on Game and Fisheries, to succeed Mr. Olsen, deceased.

#### RELATIVE TO HOUSE CONCURRENT RESOLUTION NO. 14

Mr. Colquitt offered the following resolution:

H. C. R. No. 67, Relative to House Concurrent Resolution No. 14.

Resolved by the House of Representatives, the Senate concurring, That House Concurrent Resolution No. 14, having been adopted by both Houses, but not having been signed by the presiding officers of either House, be returned to the House for further consideration.

The House and the Senate having agreed to this resolution, this will leave the question back to the last action had before the resolution was enrolled. If the resolution should be considered further, then every step must be retraced in regular order until the resolution is again in a stage which permits the desired action.

COLQUITT,  
ROACH.

The resolution was read second time.

Mr. Hardin moved to table the resolution.

The motion to table prevailed.

#### RELATIVE TO THE SAN JACINTO MEMORIAL TOWER

The Speaker laid before the House, for consideration, at this time, the following resolution:

S. C. R. No. 21, Relative to the San Jacinto Memorial Tower.

Whereas, The San Jacinto Memorial Tower will be completed and ready to open to the public in a few days; and

Whereas, The building has large museum rooms on the first floor; and

Whereas, There is an observation floor in the building about four hundred eighty (480) feet above the ground level with elevator service where a magnificent view of the San Jacinto Battlefield and of the surrounding country may be had; and

Whereas, The visitors to the Park desire to enter this beautiful memorial building and also go to the observation floor; and

Whereas, No funds are available at this time for the support and maintenance of the memorial and for furnishing the museum rooms with proper museum cases and exhibits; and, until provision is made therefor, this magnificent memorial must remain closed to the public, depriving the citizens of this State of the use of this great memorial; and

Whereas, The San Jacinto Museum of History, an organization of patriotic Texans has purchased museum cases and provided exhibits for the museum and further proposes to operate said memorial building without charge to the State; now, therefore, be it

Resolved by the Senate and House of Representatives concurring, That the State Board of Control be authorized to enter into a contract for a period of time not longer than to September 1, 1941, with the San Jacinto Museum of History, giving the care, custody and control of the San Jacinto Memorial Tower to the San Jacinto Museum of History to be maintained in good order by it without charge to the State of Texas, and requiring it to make no charge to the public for entering said building or museum; and be it further

Resolved, That said contract provide for the San Jacinto Museum of History, subject to the approval of the Board of Control, selling souvenirs and operating a concession in or about said building, and for making

a reasonable charge approved by the Board for the use of the elevator to the observation floor. The moneys so collected to be used to defray the expenses of operating the elevator, paying janitors and watchmen, and for other maintenance costs of the building, and to pay such premiums for public liability insurance as may be needed.

The resolution was read second time.

Mr. Smith of Hopkins offered the following amendment to the resolution:

Amend Senate Concurrent Resolution No. 21, after the word "than" and before the word "with" in the resolving clause of said resolution, by striking out the words "to September 1, 1941" and inserting the following: "until the State of Texas makes financial provision for the upkeep of elevators and monument".

The amendment was adopted.

The resolution, as amended, was then adopted.

#### AUTHORIZING CERTAIN CORRECTION IN HOUSE BILL NO. 350

Mr. Bell offered the following resolution:

H. C. R. No. 68, Authorizing certain correction in House Bill No. 350.

Whereas, There are certain errors in House Bill No. 350 which has passed both the House and the Senate; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Enrolling Clerk of the House be directed to strike out the words "Section 1 of" in line 1 of Section 1, and insert the words "Article 198" at the beginning of the second paragraph of Section 1.

The resolution was read second time, and was adopted.

#### MESSAGE FROM THE SENATE

Austin, Texas, March 27, 1939.  
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has passed the following:

S. C. R. No. 26, Endorsing John Nance Garner as a candidate of the National Democratic Party for the Presidency of the United States at the 1940 general election.

H. C. R. No. 66, Instructing the Enrolling Clerk of the House to make certain corrections in House Bill No. 266.

Respectfully,

BOB BARKER,

Secretary of the Senate.

#### ENDORING HON. JOHN NANCE GARNER AS CANDIDATE FOR PRESIDENT OF THE UNITED STATES

The Speaker laid before the House, for consideration, at this time, the following resolution:

S. C. R. No. 26, Endorsing Hon. John Nance Garner as candidate for President of the United States.

Whereas, The time is not far distant when the National Democratic Party will put in motion the machinery for the selection of its presidential nominee in the 1940 general election; and

Whereas, Texas was formerly an independent Republic, and merged its destinies with the United States of America and is the only State in the Union which has this distinction; and

Whereas, The Honorable John Nance Garner, a native Texan, has served long and ably in the National Congress of the United States, as a Member from a Texas district, and as the presiding officer of both the House and Senate of said National Congress, a distinction that comes to but very few men; and

Whereas, By repeated tests of legislative and administrative capacity and ability, said John Nance Garner has fully and convincingly demonstrated his statesmanship and grasp of National affairs; and

Whereas, His ability has been recognized in each and every one of the other forty-seven States of the American Union, as well as in his own State; now, therefore, be it

Resolved by the Senate of Texas, the House concurring. That the said John Nance Garner is hereby endorsed and put forward as a candidate for the nomination of the National Democratic Party for the high office of President of the United States, which we believe he would fill with ability and distinction, and that we call on fellow Democrats in all of the States of the Union to instruct their delegates to the 1940 National Democratic Convention to vote for the nomination

of the said John Nance Garner as the candidate of the National Democratic Party for the Presidency of the United States, at the 1940 general election.

The resolution was read second time, and was adopted.

#### HOUSE CONCURRENT RESOLUTION NO. 30 WITH SENATE AMENDMENTS

Mr. Howard called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. C. R. No. 30, Concerning certain property of the Houston Light Guard Veterans Association, Incorporated.

The Speaker laid the resolution before the House, with the Senate amendments.

On motion of Mr. Howard, the House concurred in the Senate amendments.

#### HOUSE BILL NO. 95 ON SECOND READING

The Speaker laid before the House, as special order, on its second reading and passage to engrossment,

H. B. No. 95, A bill to be entitled "An Act to amend Articles 5024, 5025, 5026, 5029, and 5032 of Chapter 20, Title 78 of the Revised Civil Statutes of Texas, 1925, relating to indemnity contracts by reciprocal or inter-insurance exchanges and to fix the extent of liability of subscribers at such exchanges and to repeal all laws and parts of laws in conflict therewith, and declaring an emergency."

The bill was read second time.

Mr. Keith offered the following committee amendment to the bill:

Amend House Bill No. 95, by striking out all below the enacting clause and substituting therefor the following:

"Section 1. That Article 5025 of Chapter 20, Title 78 of the Revised Civil Statutes of Texas, 1925, be, and it is hereby amended so as to read hereafter, as follows:

"Art. 5025. Attorney for Subscribers.—Such contracts may be executed by a duly appointed attorney in fact duly authorized and acting for such subscribers. The office or offices of

such attorney may be maintained at such place or places as may be designated by the subscribers in the power of attorney.

Any person or persons or corporations may act as such attorney in fact provided he or they or it shall make a good and sufficient fidelity bond acceptable and payable to the subscribers at the exchange or in lieu thereof the attorney in fact may make such bond acceptable and payable to the Board of Insurance Commissioners of the State of Texas; in the sum of Twenty-five Thousand (\$25,000.00) Dollars in the case of an individual or individuals, and Fifty Thousand (\$50,000.00) Dollars in the case of a corporation acting as such attorney in fact, conditioned that he or they or it shall promptly pay any sum up to the penal sum of said bond for which he or they or it may become liable by reason of any act of misconduct, default, defalcation or failure to legally account for all moneys or securities coming into his or their or its possession or custody and belonging to his or their or its principals and in the event of any violation of the conditions of said bond, the Insurance Department of any State in which the Exchange is licensed may bring suit to enforce the penalty of the bond on behalf of the subscriber; provided that a deposit with the proper lawful authority of the home State of such exchange of cash or securities of the kind in which general casualty companies may invest their funds in like amount, conditioned, approved and payable in like manner, may be used in lieu of such bond."

Section 2. That Article 5026 of Chapter 20, Title 78, of the Revised Civil Statutes of Texas, 1925, be, and it is hereby, amended so as to read hereafter as follows:

"Art. 5026. Declaration of Subscriber.—Such subscribers, so contracting among themselves, shall, through their attorney in fact, file with the Board of Insurance Commissioners a declaration verified by the oath of such attorney in fact setting forth:

1. The name or the title of the office at which subscribers propose to exchange such indemnity contracts. Said name or title shall not be so similar to any other name or title previously adopted by a similar organization, or by an insurance corporation or association, as in the



opinion of said Board of Insurance Commissioners is calculated to confuse or deceive. The office or offices through which such indemnity contracts shall be exchanged shall be classified as reciprocal or inter-insurance exchange.

2. The kind or kinds of insurance to be effected or exchanged, provided that same shall not include life insurance.

3. A copy of the form of policy, contract or agreement under or by which such insurance is to be effected or exchanged.

4. A copy of the form of power of attorney or authority of such attorney under which such insurance is to be effected or exchanged and provided that said power of attorney shall be approved by the Board of Insurance Commissioners. The power of attorney executed by the subscribers at any such exchange shall provide that such subscribers shall be liable, in addition to the premium or premium deposit specified in the policy contract, to a contingent liability equal in amount to at least one additional annual premium or premium deposit. Subscribers at such a reciprocal exchange may limit their liability to an amount at least equal to one additional annual premium or premium deposit, if the Subscribers' Agreement or power of attorney so provides. Such subscribers at such exchange may provide by agreement that the premium or premium deposit specified in the policy contract shall constitute their entire liability through the exchange while, but only while, the free surplus of the reciprocal exchange is equal in amount to the capital stock required of a domestic stock insurance company transacting the same classes of insurance. Nothing herein contained shall be so construed as to require the filing or use of uniform forms of such powers of attorney.

5. The location of the office or offices from which such contracts or agreements are to be issued.

6. That for all classes of insurance permitted to be written under the provisions of this Chapter, the further requirements shall be as follows:

a. In case of workmen's compensation insurance that applications have been made for indemnity by at least fifty (50) separate subscribers who

have not less than two thousand (2,000) employees as represented by executed contracts or bona fide applications to become concurrently effective.

b. As to all other classes of insurance so permitted to be written under the provisions of this Chapter that applications for indemnity have been made by at least seventy-five (75) separate subscribers for each class of risk to be exchanged aggregating not less than Five Hundred Thousand (\$500,000.00) Dollars as represented by executed contracts or bona fide applications to become concurrently effective."

Section 3. That Article 5029 of Chapter 20, Title 78, of the Revised Civil Statutes of Texas, 1925, be, and it is hereby amended so as to read hereafter as follows:

"Art. 5029. Financial Requirements.—There shall at all times be maintained such reserves as are or may hereafter be required by the laws of this State and the rules and regulations of the Board of Insurance Commissioners made in pursuance thereof as are to be maintained by stock insurance companies transacting the same kind or kinds of insurance business.

There shall be at all times maintained assets in a sum sufficient to discharge all liabilities and to provide a surplus over all liabilities of not less than Fifty Thousand (\$50,000.00) Dollars, and if at any time such surplus shall not equal that amount the attorney may make up such deficiency.

If fidelity and surety bond insurance is exchanged in this State by such a reciprocal exchange, there shall be kept on deposit with the State Treasurer or other proper officers money, bonds, or other securities, in an amount not less than Fifty Thousand (\$50,000.00) Dollars. Such securities shall be approved by the Board of Insurance Commissioners, and this amount shall be kept intact at all times. Any foreign exchange writing fidelity and surety bonds in this State shall file with the Board of Insurance Commissioners evidence, satisfactory to the Board of Insurance Commissioners, that it has on deposit with the State Treasurer or other proper officials of its home State or in escrow under his supervision and control in some reliable

bank or trust company One Hundred Thousand (\$100,000.00) or more, in money, bonds or other securities for the protection of its policyholders; provided, further, that if said bonds and securities herein referred to are not acceptable to and approved by the Board of Insurance Commissioners of Texas, said Board shall have the right and authority to deny the attorney in fact a certificate of authority.

The required assets of such exchanges shall be maintained in cash or securities of the kind in which general casualty companies are authorized by law to invest or loan their funds. Any exchange whose Attorney-in-Fact now has a Certificate of Authority to transact business in the State of Texas shall have until December 31, 1941, to make good any deficiency in such financial requirements; provided, however, that if any exchange shall not have made good any deficiency in such financial requirements on or prior to the 31st day of December, A. D. 1941, upon good cause shown, the Board of Insurance Commissioners shall have the right, in the exercise of reasonable discretion, to extend such period of time, in no event to exceed three (3) years, within which any such exchange can qualify hereunder; provided, however, that any such exchange requiring such additional time shall not at any time after the passage of this Act have a surplus less than its said surplus as the same existed on the first day of January, 1939, A. D."

Sec. 4. That Chapter 20, Title 78, of the Revised Civil Statutes of Texas, 1925, be, and it is hereby amended by adding thereto a new Article to be numbered 5029a and reading as follows:

"Art. 5029a. May Advance Money.—Any attorney in fact of such exchange may advance to such exchange any sum or sums of money necessary for the purpose of its business or to enable it to comply with any requirements of law, and such moneys and interest thereon as may have been agreed upon, not exceeding 10 per cent per annum, shall be payable, subject to the approval of the Board of Insurance Commissioners (which approval shall not be arbitrarily refused) only out of the surplus remaining, after providing for all reserves, other liabilities and required surplus, and shall not otherwise be a

liability or claim against the exchange or any of its assets. No commission or promotion expenses, or other bonus, shall be paid in connection with the advance of any such money to the exchange, and the amount of all such advances shall be reported in each annual statement."

Sec. 5. That Article 5031 of Chapter 20, Title 78, of the Revised Civil Statutes of Texas, 1925, be, and it is hereby amended so as to read hereafter as follows:

"Art. 5031. Any Corporation May Exchange.—Any corporation, public, private or municipal, now or hereafter organized under the laws of this State, shall, in addition to the rights, powers and franchises specified in its articles of incorporation, have full power and authority to exchange insurance contracts of the kind and character herein mentioned. The right to exchange such contracts is hereby declared to be incidental to the purpose for which such corporations are organized and as such granted as the rights and powers expressly conferred."

Sec. 6. That Article 5032 of Chapter 20, Title 78, of the Revised Civil Statutes of Texas, 1925, be, and it is hereby, amended so as to read hereafter as follows:

"Art. 5032. Certificate of Authority.—Such attorney by whom or through whom are issued any policies of or contracts for indemnity of the character referred to herein shall procure from the Board of Insurance Commissioners annually a certificate of authority stating that all of the requirements have been complied with, and upon such compliance and the payment of the fees required by law, the Board of Insurance Commissioners shall issue such certificate of authority. Such Board of Insurance Commissioners may revoke or suspend any certificate of authority issued hereunder in case of breach of any condition imposed by this law after reasonable written notice has been given said attorney so that he may appear and show cause why action should not be taken; provided that said attorney by whom and through whom are issued any policies of or contracts for indemnity of the character herein referred to shall have the right of appeal to any District Court of Travis County, Texas, and shall have twenty (20) days from the date of any adverse ruling to effect such

appeal; and the further right of appeal by any such attorney from the ruling or decision of any such District Court is hereby expressly granted. Any attorney who may have procured a certificate of authority hereunder shall renew same annually thereafter. Any certificate of authority shall continue in effect until the new certificate of authority be issued or specifically refused. The schedule of fees set out in Article 3920, so far as pertinent, shall apply to reciprocal exchanges and their attorneys in fact. Said exchanges shall pay a tax of three and one-fourth per cent on all premiums collected, except fire and workmen's compensation premiums, under the provisions of Article 7064, Revised Civil Statutes of Texas, 1925, as amended by House Bill No. 8, Chapter 495, page 2040, Article 4, Acts of the Third Called Session, Forty-fourth Legislature, 1936, as amended Acts, 1937, Forty-fifth Legislature, House Bill No. 441, Section 1, subject to reduction by investment in Texas securities as therein provided; and exchanges writing workmen's compensation insurance shall pay a tax of one-half of one per cent of the workmen's compensation premiums collected under the provisions of Article 7064a, Revised Civil Statutes of Texas, 1925, as enacted by House Bill No. 8, Chapter 495, page 2040, Article 4, Acts of the Third Called Session, Forty-fourth Legislature, 1936, as amended Acts, 1937, Forty-fifth Legislature, by House Bill No. 441, Section 1-b; and a further tax of three-fifths of one per cent, or such lesser amount as the Board of Insurance Commissioners may assess, on workmen's compensation premiums collected in this State under the provisions of Chapter 25, Section 1, Acts of 1937, Forty-fifth Legislature.

Provided further, that an additional tax of one-fifth of one per cent or such lesser amount as the Board of Insurance Commissioners may assess shall be paid by such exchanges on gross premiums collected for motor vehicle insurance under the provisions of Chapter 253, Acts of the Fortieth Legislature, as amended Acts of 1937, Forty-fifth Legislature by Senate Bill No. 77."

Sec. 7. That Article 5033 of Chapter 20, Title 78, of the Revised Civil Statutes of Texas, 1925, be, and it is hereby, amended so as to read hereafter as follows:

"Art. 5033. When Insurance Law Applies.—Except as provided in this Chapter, no insurance law of this State shall apply to the exchange of such indemnity contracts unless reciprocal or inter-insurance exchanges are specifically mentioned in such other laws."

Sec. 8 That an Article to be designated Article 5033A shall be added to Chapter 20, Title 78, of the Revised Civil Statutes of Texas, 1925, and that said additional Article designated Article 5033A shall read as follows:

"Art. 5033A. If any word, phrase, clause, sentence, paragraph, Section or part of this bill shall be held by any Court of Competent Jurisdiction to be invalid, or unconstitutional, or for other reasons, it shall not affect any other work, phrase, clause, sentence, paragraph, Section or part of this Act."

Sec. 9. The fact that the present laws covering the subject material of this Act are inadequate creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read in each House on three several days, and the Constitutional Rule requiring bills to take effect and go into force ninety days after adjournment of the session, be suspended, and said rules are hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

Mr. Wilson offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to House Bill 95, page 2, line 17, by adding thereto, the following:

"Such exchanges shall be classified as incorporated associations and so far as applicable the provisions of Chapter 2, Title 105 of the Revised Civil Statutes of Texas, 1925, as they now exist or may hereafter be amended, shall apply to such exchanges; and for the purpose of service of process the attorney-in-fact is hereby classified as the general agent of such exchange."

The amendment was adopted.

Mr. Thornton offered the following amendment to the committee amendment:

Amend House Bill No. 95, by striking the period after "Attorney," in

line 2, page 3, and substituting a semi-colon therefor, and adding the following:

"provided, however, that any domestic reciprocal organized prior to the effective date of this Act which has been and is exchanging contracts without contingent liability and which does not have the minimum surplus required by this Section to exchange such contracts, may continue to exchange contracts without contingent liability until December 31st, 1943, provided that

(a) On December 31st, 1939, December 31st, 1940, December 31st, 1941 and December 31st, 1942, it shall have increased its surplus by respective amounts of twenty-five per centum of the difference between the surplus existing on December 31st, 1938, and the surplus herein required of a reciprocal before it is permitted to exchange contracts without contingent liability; and

(b) at no time during each calendar year of the period above referred to shall the surplus be less than thirty per centum of the premiums written during each such year; and

(c) all other provisions of this Act shall be complied with; and

(d) it shall have a deposit with the Board a minimum of Fifty Thousand Dollars in securities,

(e) if such reciprocal fails to increase its surplus in accordance with this Subsection, such reciprocal shall be subject to the stock company minimum surplus as above mentioned, or discontinue exchanging policies without contingent liability."

The amendment was adopted.

(Mr. Thornton in the Chair.)

Mr. Colquitt offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to House Bill No. 95, as follows:

"(1) By striking therefrom the third paragraph of Article 5029 under Section 3 beginning with line 37 on page 3 of the printed bill through line 15 on page 4 thereof.

"(2) By adding thereto the following Section to be numbered Section 1:

"Section 1. That Article 5024 of Chapter 20, Title 78, of the Revised Civil Statutes of Texas, 1925, be,

and it is hereby, amended so as to read hereafter, as follows:

"Art. 5024. May Exchange Contracts.—Individuals, partnerships and corporations of this State, hereby designated subscribers, are hereby authorized to exchange reciprocal or inter-insurance contracts with each other or with individuals, partnerships and corporations of other States and Countries, providing indemnity among themselves from any loss which may be insured against under other provisions of the law, excepting life insurance; provided no such reciprocal or inter-insurance exchange shall write fidelity and surety bonds."

"(3) By renumbering the remaining Sections accordingly."

On motion of Mr. Montgomery, the amendment by Mr. Colquitt was tabled.

Mr. Hardin offered the following amendment to the committee amendment:

Amend amendment to House Bill No. 95, page 3, line 36, by adding the following:

"Any person writing Workman's Compensation shall deposit with the State Treasury Fifty Thousand (\$50,000.00) to protect its assured and any reciprocal writing fidelity or security bonds in the State shall deposit an additional Fifty Thousand (\$50,000.00) Dollars to protect its guaranty."

Mr. McFarland offered the following substitute for the amendment by Mr. Hardin:

Substitute for Hardin amendment to House Bill No. 95, page 3, line 36, by adding the following:

"Any person writing workman's compensation shall deposit and maintain with the State Treasury Fifty Thousand (\$50,000.00) Dollars to protect its assured and any reciprocal writing fidelity or security bonds in this State shall deposit an additional Fifty Thousand (\$50,000.00) Dollars to protect its guaranty."

Mr. Keith moved to table the substitute amendment by Mr. McFarland.

The motion to table was lost.

Question then recurring on the substitute amendment, by Mr. McFarland, it was adopted.

Question then recurring on the amendment by Mr. Hardin, as substituted, it was adopted.

Mr. Wilson offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to House Bill No. 95, by adding thereto a new Section to be numbered properly and reading as follows:

"Section .... That Article 5027 of Chapter 20, Title 78 of the Revised Civil Statutes of Texas, 1925, be, and it is hereby amended so as to read hereafter as follows:

"Article 5027. Service of Process. —Concurrently with the filing of such declaration the attorney shall file with the Board of Insurance Commissioners an instrument in writing executed by him for said subscribers conditioned that upon the issuance of certificates of authority as hereinafter provided, service of process may be had upon the Chairman of such Board in all suits in this State arising out of such policies, contracts or agreements which service shall be valid and binding upon all subscribers exchanging at any time reciprocal or inter-insurance contracts through such attorney. Three copies of such process shall be served and said Chairman of such Board shall file one copy, forward one copy to said attorney and return one copy with his admission of service. It is provided, however, that in lieu of the method herein above provided service of process may be had upon such attorney-in-fact in all suits which service shall likewise be valid and binding upon all subscribers exchanging at any time reciprocal or inter-insurance contracts through such attorney. If said attorney-in-fact be a corporation, either foreign or domestic or joint stock company or association, service of process thereon may be had in any manner provided by General Law for service of process on corporations, joint stock companies or associations.' "

The amendment was adopted.

The committee amendment, as amended, was then adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 95 was then passed to engrossment.

## HOUSE BILL NO. 95 ON THIRD READING

Mr. Keith moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 95 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—136

|                      |                    |
|----------------------|--------------------|
| Allen                | Hardeman           |
| Allison              | Hardin             |
| Alsup                | Harp               |
| Anderson             | Harper             |
| Bailey               | Harrell of Bastrop |
| Baker of Grayson     | Harrell of Lamar   |
| Bell                 | Harris             |
| Blankenship          | Hartzog            |
| Bond                 | Heflin             |
| Boyd                 | Holland            |
| Boyer                | Howard             |
| Bradbury             | Howington          |
| Bradford             | Hull               |
| Bridgers             | Hunt               |
| Broadfoot            | Isaacks            |
| Brown of Cherokee    | Johnson of Ellis   |
| Brown of Nacogdoches | Johnson of Tarrant |
| Bundy                | Keith              |
| Burkett              | Kennedy            |
| Burney               | Kern               |
| Cauthorn             | Kersey             |
| Chambers             | King               |
| Clark                | Langdon            |
| Cleveland            | Lehman             |
| Cockrell             | Leonard            |
| Colquitt             | Little             |
| Colson, Mrs.         | Lock               |
| Cornett              | Loggins            |
| Crossley             | London             |
| Daniel               | Mays               |
| Davis of Jasper      | McAlister          |
| Davis of Upshur      | McDaniel           |
| Dean                 | McDonald           |
| Derden               | McFarland          |
| Dickison             | McMurry            |
| Dickson              | McNamara           |
| Donaghey             | Mohrmann           |
| Dwyer                | Monkhouse          |
| Faulkner             | Montgomery         |
| Felty                | Morris             |
| Ferguson             | Newell             |
| Fielden              | Nicholson          |
| Fuchs                | Oliver             |
| Galbreath            | Pace               |
| Gilmer               | Petsch             |
| Goodman              | Pevehouse          |
| Gordon, Mrs.         | Ragsdale           |
| Hale                 | Reader of Bexar    |
| Hamilton             | Reader of Erath    |
| Hankamer             | Reaves             |
|                      | Reed               |

|                  |            |
|------------------|------------|
| Rhodes           | Tarwater   |
| Riviere          | Taylor     |
| Roach            | Tennant    |
| Roberts          | Thornberry |
| Robinson         | Thornton   |
| Russell          | Turner     |
| Schuenemann      | Vale       |
| Segrist          | Vint       |
| Shell            | Voigt      |
| Skiles           | Waggoner   |
| Smith of Frio    | Weldon     |
| Smith of Hopkins | Wells      |
| Smith            | Westbrook  |
| of Matagorda     | White      |
| Spencer          | Wilson     |
| Stinson          | Wood       |
| Stoll            | Worley     |
| Talbert          | Wright     |

Present—Not Voting

Bray

Absent

|         |             |
|---------|-------------|
| Celaya  | Kinard      |
| Coleman | Leyendecker |
| Corry   | Piner       |
| Kerr    |             |

Absent—Excused

|              |         |
|--------------|---------|
| Baker        | Pope    |
| of Fort Bend | Winfree |
| Dowell       |         |

The Chair then laid House Bill No. 95 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—139

|                   |                 |
|-------------------|-----------------|
| Allen             | Cauthorn        |
| Allison           | Chambers        |
| Alsup             | Clark           |
| Anderson          | Cleveland       |
| Bailey            | Cockrell        |
| Baker of Grayson  | Coleman         |
| Bell              | Colquitt        |
| Blankenship       | Colson, Mrs.    |
| Bond              | Cornett         |
| Boyd              | Corry           |
| Boyer             | Crossley        |
| Bradbury          | Daniel          |
| Bradford          | Davis of Jasper |
| Bray              | Davis of Upshur |
| Bridgers          | Dean            |
| Broadfoot         | Derden          |
| Brown of Cherokee | Dickson         |
| Brown             | Dickson         |
| of Nacogdoches    | Donaghey        |
| Bundy             | Dwyer           |
| Burkett           | Faulkner        |
| Burney            | Felty           |

|                    |                  |
|--------------------|------------------|
| Ferguson           | Morris           |
| Fielden            | Newell           |
| Fuchs              | Nicholson        |
| Galbreath          | Oliver           |
| Gilmer             | Pace             |
| Goodman            | Pevehouse        |
| Gordon, Mrs.       | Piner            |
| Hale               | Ragsdale         |
| Hamilton           | Reader of Bexar  |
| Hankamer           | Reader of Erath  |
| Hardeman           | Reaves           |
| Hardin             | Reed             |
| Harp               | Rhodes           |
| Harper             | Riviere          |
| Harrell of Bastrop | Roach            |
| Harrell of Lamar   | Roberts          |
| Harris             | Robinson         |
| Heflin             | Russell          |
| Holland            | Schuenemann      |
| Howard             | Segrist          |
| Howington          | Shell            |
| Hull               | Skiles           |
| Hunt               | Smith of Frio    |
| Isaacks            | Smith of Hopkins |
| Johnson of Ellis   | Smith            |
| Johnson of Tarrant | of Matagorda     |
| Keith              | Spencer          |
| Kennedy            | Stinson          |
| Kern               | Stoll            |
| Kersey             | Talbert          |
| Kinard             | Tarwater         |
| King               | Taylor           |
| Langdon            | Tennant          |
| Lehman             | Thornberry       |
| Leonard            | Thornton         |
| Leyendecker        | Turner           |
| Little             | Vale             |
| Lock               | Vint             |
| Loggins            | Voigt            |
| London             | Waggoner         |
| McAlister          | Weldon           |
| McDaniel           | Wells            |
| McDonald           | Westbrook        |
| McFarland          | White            |
| McMurry            | Wilson           |
| McNamara           | Wood             |
| Mohrmann           | Worley           |
| Monkhouse          | Wright           |
| Montgomery         |                  |

Absent

|         |        |
|---------|--------|
| Celaya  | Mays   |
| Hartzog | Petsch |
| Kerr    |        |

Absent—Excused

|              |         |
|--------------|---------|
| Baker        | Pope    |
| of Fort Bend | Winfree |
| Dowell       |         |

(Speaker in the Chair.)

## HOUSE BILL NO. 407 WITH SENATE AMENDMENTS

Mr. Hartzog called up from the Speakers' table, with Senate amendments, for consideration of the amendments,

H. B. No. 407, A bill to be entitled "An Act to provide for the issuance of certificates of title covering motor vehicles and their parts, with certain specified exceptions, so as to disclose ownership and encumbrances; defining the terms 'motor vehicle', 'lien', 'owner', 'mortgagee', 'mortgagor', 'first sale', 'subsequent sale', 'new car', 'used car', 'person', 'hereafter', 'receipt', 'stolen and converted', 'concealed motor vehicle', 'manufacturer', 'importer', 'distributor', 'dealer', 'motor number', 'serial number', 'manufacturer's certificate', 'importer's certificate', 'certificate of title', 'department', and 'designated agent'; etc., and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

On motion of Mr. Hartzog, the House concurred in the Senate amendments.

## NOTICE GIVEN

Mr. Tennant gave notice that he would, on the next legislative day, move to take up, for consideration at that time, House Bill No. 18, which bill was heretofore laid on the table subject to call.

## HOUSE BILL NO. 336 ON SECOND READING

On motion of Mr. Hamilton, the regular order of business was suspended, to take up, and have placed on its second reading and passage to engrossment, House Bill No. 336.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 336, A bill to be entitled "An Act making an emergency appropriation to supplement an appropriation made by the Regular Session of the Forty-fifth Legislature for the fiscal year ending August 31, 1939, found on page 1368, Acts of the Regular Session of the Forty-fifth Legislature; said appropriation is to pay the salaries and other expenses of the inspection work incident to the eradication of the pink bollworm, under the provisions of Chapter 3, Title 4,

Revised Civil Statutes of Texas, 1939, known as the Pink Bollworm Law, and amendments thereto, and declaring an emergency."

The bill was read second time.

Mr. Leonard offered the following amendment to the bill:

Amend House Bill No. 336, by changing Fifty-fifth Legislature to Forty-fifth Legislature.

The amendment was adopted.

House Bill No. 336 was then passed to engrossment.

## HOUSE BILL NO. 336 ON THIRD READING

Mr. Leonard moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 336 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—118

|                      |                    |
|----------------------|--------------------|
| Allen                | Faulkner           |
| Allison              | Felty              |
| Anderson             | Ferguson           |
| Baker of Grayson     | Fuchs              |
| Bell                 | Gilmer             |
| Blankenship          | Goodman            |
| Boyd                 | Gordon, Mrs.       |
| Boyer                | Hale               |
| Bradbury             | Hamilton           |
| Bradford             | Hankamer           |
| Bray                 | Hardeman           |
| Bridgers             | Hardin             |
| Broadfoot            | Harper             |
| Brown of Cherokee    | Harrell of Bastrop |
| Brown of Nacogdoches | Harrell of Lamar   |
| Bundy                | Harris             |
| Burkett              | Hartzog            |
| Burney               | Heflin             |
| Cauthorn             | Holland            |
| Celaya               | Howard             |
| Chambers             | Howington          |
| Clark                | Hull               |
| Cleveland            | Hunt               |
| Cockrell             | Isaacks            |
| Coleman              | Johnson of Ellis   |
| Colquitt             | Johnson of Tarrant |
| Colson, Mrs.         | Kennedy            |
| Crossley             | Kerr               |
| Davis of Jasper      | Kersey             |
| Davis of Upshur      | Kinard             |
| Derden               | King               |
| Dickison             | Leonard            |
| Dickson              | Leyendecker        |
| Donaghey             | Little             |
|                      | Lock               |

|                 |                  |
|-----------------|------------------|
| Loggins         | Schuenemann      |
| Mays            | Segrist          |
| McAlister       | Shell            |
| McDaniel        | Skiles           |
| McFarland       | Smith of Frio    |
| McMurry         | Smith of Hopkins |
| Mohrmann        | Smith            |
| Monkhouse       | of Matagorda     |
| Montgomery      | Spencer          |
| Newell          | Stinson          |
| Nicholson       | Stoll            |
| Oliver          | Talbert          |
| Pace            | Tarwater         |
| Pevehouse       | Taylor           |
| Piner           | Thornberry       |
| Reader of Bexar | Turner           |
| Reader of Erath | Vale             |
| Reaves          | Vint             |
| Reed            | Voigt            |
| Rhodes          | Weldon           |
| Riviere         | Westbrook        |
| Roach           | White            |
| Roberts         | Wilson           |
| Robinson        | Worley           |
| Russell         | Wright           |

## Nays—23

|           |          |
|-----------|----------|
| Alsup     | Lehman   |
| Bailey    | London   |
| Bond      | McDonald |
| Cornett   | McNamara |
| Corry     | Morris   |
| Daniel    | Petsch   |
| Fielden   | Tennant  |
| Galbreath | Thornton |
| Harp      | Waggoner |
| Keith     | Wells    |
| Kern      | Wood     |
| Langdon   |          |

## Absent

|      |       |
|------|-------|
| Dean | Dwyer |
|------|-------|

## Absent—Excused

|              |          |
|--------------|----------|
| Baker        | Pope     |
| of Fort Bend | Ragsdale |
| Dowell       | Winfree  |

The Speaker then laid House Bill No. 336 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—114

|                  |                   |
|------------------|-------------------|
| Allen            | Boyer             |
| Allison          | Bradbury          |
| Anderson         | Bradford          |
| Baker of Grayson | Bray              |
| Bell             | Bridgers          |
| Blankenship      | Broadfoot         |
| Boyd             | Brown of Cherokee |

|                    |                  |
|--------------------|------------------|
| Brown              | Leonard          |
| of Nacogdoches     | Leyendecker      |
| Bundy              | Little           |
| Burkett            | Lock             |
| Burney             | Loggins          |
| Cauthorn           | Mays             |
| Celaya             | McAlister        |
| Chambers           | McDaniel         |
| Clark              | McFarland        |
| Cleveland          | McMurry          |
| Cockrell           | Mohrmann         |
| Coleman            | Newell           |
| Colquitt           | Nicholson        |
| Colson, Mrs.       | Oliver           |
| Crossley           | Pace             |
| Davis of Jasper    | Pevehouse        |
| Davis of Upshur    | Piner            |
| Derden             | Reader of Bexar  |
| Dickison           | Reader of Erath  |
| Dickson            | Reaves           |
| Donaghey           | Rhodes           |
| Dwyer              | Riviere          |
| Faulkner           | Roach            |
| Ferguson           | Roberts          |
| Fuchs              | Robinson         |
| Galbreath          | Russell          |
| Gilmer             | Schuenemann      |
| Goodman            | Segrist          |
| Gordon, Mrs.       | Shell            |
| Hale               | Skiles           |
| Hamilton           | Smith of Frio    |
| Hankamer           | Smith of Hopkins |
| Hardeman           | Smith            |
| Hardin             | of Matagorda     |
| Harper             | Spencer          |
| Harris             | Stinson          |
| Hartzog            | Stoll            |
| Heflin             | Tarwater         |
| Holland            | Taylor           |
| Howard             | Thornberry       |
| Howington          | Turner           |
| Hull               | Vale             |
| Hunt               | Vint             |
| Isaacks            | Voigt            |
| Johnson of Ellis   | Waggoner         |
| Johnson of Tarrant | Weldon           |
| Kennedy            | White            |
| Kerr               | Wilson           |
| Kersey             | Wood             |
| Kinard             | Worley           |
| King               | Wright           |

## Nays—26

|                  |            |
|------------------|------------|
| Alsup            | Keith      |
| Bailey           | Kern       |
| Bond             | Langdon    |
| Cornett          | Lehman     |
| Corry            | London     |
| Daniel           | McDonald   |
| Felty            | McNamara   |
| Fielden          | Montgomery |
| Harp             | Morris     |
| Harrell of Lamar | Petsch     |



|         |           |
|---------|-----------|
| Reed    | Thornton  |
| Talbert | Wells     |
| Tennant | Westbrook |

Absent

|                    |           |
|--------------------|-----------|
| Dean               | Monkhouse |
| Harrell of Bastrop |           |

Absent—Excused

|              |          |
|--------------|----------|
| Baker        | Pope     |
| of Fort Bend | Ragsdale |
| Dowell       | Winfree  |

## HOUSE BILL NO. 231 ON SECOND READING

Mr. Reader of Bexar moved that the regular order of business be suspended, to take up, and have placed on its second reading and passage to engrossment, House Bill No. 231.

The motion prevailed by the following vote:

Yeas—96

|                   |                  |
|-------------------|------------------|
| Allen             | Hamilton         |
| Allison           | Hardeman         |
| Anderson          | Hardin           |
| Baker of Grayson  | Harp             |
| Bell              | Harris           |
| Blankenship       | Hartzog          |
| Bond              | Heflin           |
| Boyd              | Holland          |
| Boyer             | Howard           |
| Bradbury          | Hull             |
| Bradford          | Hunt             |
| Bray              | Isaacks          |
| Bridgers          | Johnson of Ellis |
| Brown of Cherokee | Keith            |
| Brown             | Kennedy          |
| of Nacogdoches    | Kerr             |
| Bundy             | Kinard           |
| Burney            | King             |
| Cauthorn          | Langdon          |
| Cleveland         | Lehman           |
| Coleman           | Little           |
| Colquitt          | Lock             |
| Colson, Mrs.      | Liggins          |
| Cornett           | London           |
| Corry             | McAlister        |
| Davis of Jasper   | McDaniel         |
| Derden            | McDonald         |
| Dickison          | McFarland        |
| Dickson           | Monkhouse        |
| Donaghey          | Montgomery       |
| Dwyer             | Morris           |
| Faulkner          | Newell           |
| Felty             | Nicholson        |
| Ferguson          | Oliver           |
| Galbreath         | Pace             |
| Gilmer            | Pevehouse        |
| Goodman           | Reader of Bexar  |
| Hale              | Reader of Erath  |

|              |            |
|--------------|------------|
| Reaves       | Spencer    |
| Reed         | Stoll      |
| Rhodes       | Talbert    |
| Riviere      | Thornberry |
| Roach        | Thornton   |
| Roberts      | Turner     |
| Robinson     | Waggoner   |
| Russell      | White      |
| Skiles       | Wilson     |
| Smith        | Wood       |
| of Matagorda | Worley     |

Nays—30

|                  |                  |
|------------------|------------------|
| Alsup            | Howington        |
| Bailey           | Kern             |
| Broadfoot        | Kersey           |
| Burkett          | Leyendecker      |
| Chambers         | Mays             |
| Clark            | McMurry          |
| Cockrell         | McNamara         |
| Crossley         | Mohrmann         |
| Daniel           | Piner            |
| Davis of Upshur  | Smith of Hopkins |
| Fielden          | Stinson          |
| Fuchs            | Tarwater         |
| Hankamer         | Taylor           |
| Harper           | Tennant          |
| Harrell of Lamar | Wright           |

Present—Not Voting

Weldon

Absent

|                    |               |
|--------------------|---------------|
| Celaya             | Segrist       |
| Dean               | Shell         |
| Gordon, Mrs.       | Smith of Frio |
| Harrell of Bastrop | Vale          |
| Johnson of Tarrant | Vint          |
| Leonard            | Voigt         |
| Petsch             | Wells         |
| Schuenemann        | Westbrook     |

Absent—Excused

|              |          |
|--------------|----------|
| Baker        | Pope     |
| of Fort Bend | Ragsdale |
| Dowell       | Winfree  |

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 231, A bill to be entitled "An Act to protect trade-mark owners, distributors and the general public against injurious and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark, brand, or name, and to facilitate fair trade; defining certain terms; providing a saving clause, and declaring an emergency."

The bill was read second time.

Question—Shall House Bill No. 231 pass to engrossment?

**BILLS AND RESOLUTIONS SIGNED  
BY THE SPEAKER**

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills and resolutions:

H. C. R. No. 47, Urging Congress to make certain appropriation in regard to the pink boll worm.

H. B. No. 408, "An Act providing and fixing compensation for County Commissioners in certain counties, and declaring an emergency."

H. B. No. 806, "An Act providing for and fixing compensation for County Auditor in certain counties, and declaring an emergency."

H. B. No. 769, "An Act to amend Article 326 of the Penal Code of the State of Texas, and declaring an emergency."

H. B. No. 193, "An Act authorizing the Commissioners Court in each county in this State having a population of not less than twelve thousand, seven hundred (12,700) nor more than twelve thousand, nine hundred (12,900), according to the last preceding Federal Census, to allow each County Commissioner certain expenses for traveling and in connection with the use of his automobile on official business only and/or in overseeing the construction work on public roads of the county; requiring each such Commissioner to pay the expense of operation and repair of such vehicle so used by him without any further expense whatsoever to the county, and declaring an emergency."

H. B. No. 825, "An Act validating any orders and proceedings directed toward the issuance of bonds for Justice Precinct No. 5 of Falls County, and declaring an emergency."

H. B. No. 473, "An Act creating the office of County Purchasing Agent in all counties in this State having a population of more than one hundred and forty thousand (140,000) inhabitants and less than two hundred and ninety thousand (290,000) inhabitants, and wherein is situated an incorporated city of more than one hundred and forty thousand (140,000) inhabitants, according to the last preceding Federal Census; providing generally the rights, powers and duties of such Agent in reference to the handling and purchase of supplies, materials

and equipment and in reference to contracting for repairs to property, and for expenditures generally; providing the means, manner and method of appointment, tenure and compensation of said Agent; prescribing offenses, fines and penalties; prescribing the duties of certain other officers in connection therewith; and providing that if any portion of this Act is held unconstitutional the remaining part of said Act will remain unaffected, and declaring an emergency."

H. B. No. 800, "An Act making it unlawful to hunt, shoot or kill any wild deer and/or wild turkey for a period of three (3) years from and after the effective date of this Act in the Counties of Grimes and Brazos, State of Texas; fixing a penalty; repealing all laws and parts of laws in conflict herewith in so far as they apply to Grimes and Brazos Counties, and declaring an emergency."

H. B. No. 805, "An Act repealing House Bill No. 138, Chapter 63, page 1990, Special Laws of the Second Called Session of the Forty-fifth Legislature, 1937, and declaring an emergency."

H. B. No. 572, "An Act authorizing the transfer of causes from the County Criminal Court of Dallas County, Texas, to the County Courts at Law of Dallas County, Texas, and declaring an emergency."

H. B. No. 80, "An Act to provide for and create a city-county health unit in any county containing an incorporated city having a population of not less than ninety thousand (90,000) inhabitants nor more than one hundred twenty thousand (120,000) inhabitants and to provide that the Commissioners' Court of said county and the City Council of said city may cooperate in forming a city-county health unit and combine the health units of each political subdivision for such purpose and appropriate funds to the combined health unit in such proportion as may be agreed to between the Commissioners' Court and the City Council; said health unit to be under the direction and supervision of the City-County Board of Health; and providing for the election and/or appointment of members of said city-county health unit; and providing for the qualifications of the members of the said city-county health unit; and for their

terms of office; and providing for the operation of said city-county health unit and for funds for the operation thereof; providing that a Director shall be appointed to actively manage the operation of the health unit under the supervision of the City-County Board of Health; providing that the Commissioners' Court and the City Council shall determine the number of employees to constitute the health unit and the salaries of such employees."

H. B. No. 11, "An Act appropriating the sum of One Million, Ninety-five Thousand (\$1,095,000.00) Dollars as a supplement to the equalization appropriation for the biennium as passed by the Forty-fifth Legislature provided no school shall benefit hereunder that has paid its public funds to any person for securing legislative aid; providing the funds herein appropriated are to be expended in accordance with the provisions of this Act; providing the funds herein appropriated are to be prorated on percentage basis to those schools having had payments made on a percentage basis, to make the grants of teacher's salaries, of high school tuition, and of transportation, and of vocational aid, each as nearly as possible one hundred (100%) per cent; providing no school shall receive reimbursement which was not approved by payment at the end of the 1937-38 fiscal year; providing a penalty for violating the provisions of this Act; setting aside the sum of Nine Hundred and Fifty-five Thousand (\$955,000.00) Dollars for salary aid, One Hundred and Five Thousand (\$105,000.00) Dollars for transportation, Thirty-five Thousand (\$35,000.00) Dollars for high school tuition, and declaring an emergency."

H. C. R. No. 14, Relative to State employees.

H. B. No. 234, "An Act authorizing the County Boards of certain counties to set aside an amount not to exceed Six Hundred (\$600.00) Dollars to defray the expenses of the County Superintendent and County School Board of Trustees in the administration of scholastic affairs; repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 648, "An Act regarding the trapping, taking and killing of wild fox in Bell County, for a period of two years, providing conditions and

exceptions, providing a penalty for the violation of this Act, repealing laws in conflict herewith, and declaring an emergency."

H. B. No. 611, "An Act creating a Special Road Law for Carson County, Texas, providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of January 31, 1939, by the issuance of funding bonds; providing that items of indebtedness as of said date, in the form of scrip, time warrants, or funding warrants, may be included in such funding bond issue; setting forth the method of issuing such funding bonds; validating all acts of the Commissioners' Court and of the county officials of said County in issuing said scrip or warrants; validating said scrip or warrants; providing that the General Laws pertaining to roads and bridges shall be applicable to said County when not in conflict with the provisions hereof; repealing all laws and parts of laws in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act, and declaring an emergency."

H. B. No. 300, "An Act fixing the open season for taking squirrels in Shelby County; providing a suitable penalty for violation of this Act; repealing all conflicting laws, and declaring an emergency."

H. B. No. 783, "An Act amending Section 1 of House Bill No. 186, same being Chapter 10, of the Special Laws of the Forty-third Legislature, Regular Session, by declaring the closed season on deer in San Augustine and Sabine Counties for a period of five years from the effective date of this Act and after its passage, and declaring an emergency."

H. B. No. 817, "An Act amending Article 6869, Revised Civil Statutes, 1925, as amended, Acts, 1929, Forty-first Legislature, First Called Session, page 283, Chapter 113, Section 1, by adding a new Section thereto, to be known as Article 6869b, providing for the number of deputy sheriffs in counties having a population of less than twenty thousand (20,000), according to the last preceding Federal Census, and having a property valuation in excess of One Hundred Million (\$100,000,000) Dollars, according to the approved State and county tax rolls for the preceding year, and declaring an emergency."

H. B. No. 558, "An Act making an appropriation out of the General Fund of the State of Texas for the Secretary of State for the biennium beginning September 1, 1939, and ending August 31, 1941, for the purpose of compiling, editing, indexing, binding, and distributing the current laws and journals; making same immediately available, and declaring an emergency."

H. B. No. 532, "An Act repealing Chapter 223 of the Acts, 1937, Forty-fifth Legislature, Regular Session, and declaring an emergency."

H. B. No. 468, "An Act authorizing and empowering the Commissioners' Courts in counties having a population of less than twenty thousand (20,000), according to the last preceding Federal Census, and a property valuation of more than One Hundred Million (\$100,000,000) Dollars, according to the last approved County Tax Rolls, to enter into contract and agreement with the governing bodies of municipalities within said Counties for the purpose of furnishing fire protection in such counties outside of the corporate limits of said municipalities and to make appropriations for paying municipalities for such services."

H. B. No. 744, "An Act for the purpose of better preserving the game and fish resources of Calhoun and Jackson Counties by closing certain waters in Calhoun and Jackson Counties to certain types of net fishing and prohibiting the use of the oyster dredge in certain areas and making legal the operation of the pocket net or drag seine in certain waters; providing a penalty; repealing House Bill No. 232 of the Regular Session of the Forty-fifth Legislature, House Bill No. 67, Acts of the First Called Session of the Forty-fifth Legislature, and Article 937a, Penal Code of the State of Texas, and declaring an emergency."

H. B. No. 654, "An Act making it unlawful to trap, snare, shoot, catch or kill any wild fox in Nacogdoches County for a period of two (2) years; providing certain exceptions; and providing a penalty therefor."

H. B. No. 559, "An Act authorizing the Commissioners' Court in any county having a population of not less than seventy-four thousand (74,000) and not more than seventy-six thousand (76,000), according to the last

preceding United States Census and not less than Forty-one Million (\$41,000,000.00) Dollars and not more than Forty-five Million (\$45,000,000) Dollars taxable valuation, according to the last available tax roll to allow each County Commissioner in such counties certain expenses for traveling and in connection with the use of his automobile on official business requiring each such Commissioner to pay the expenses of operation and repair of each automobile used by him without further expense to the county, and declaring an emergency."

H. B. No. 239, "An Act providing for the amount that may be allowed by County Boards of Trustees to the County Superintendents of Public Instruction for expenditures for office and traveling expenses in certain counties according to the last preceding Federal Census; making this Act cumulative of all General Laws on the same subject, such General Laws to apply except in case of conflict when the provisions of this Act shall control, and declaring an emergency."

H. B. No. 595, "An Act fixing the compensation of sheriffs in all counties of the State of Texas having a population of not less than twenty-seven thousand, two hundred and thirty-five (27,235) and not more than twenty-seven thousand, three hundred (27,300), according to the last Federal Census, in which there are no district attorneys; providing for the appointment by such sheriffs of such counties of at least one (1) special deputy sheriff and one (1) deputy sheriff; prescribing the powers and duties of such deputies; fixing the compensation therefor; providing mode and manner of payment of such salaries; providing that this Act shall be cumulative of all other Acts not in conflict herewith; repealing all laws and parts of laws in conflict to the extent of the conflict only, and declaring an emergency."

H. B. No. 804, "An Act making it unlawful for any person to hunt, trap, kill or attempt to kill by any means whatsoever, any wild turkey, Chachalaca or wild Mexican pheasant in the Counties of Comal and Guadalupe for a period of four (4) years; providing a penalty; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 60, "An Act to amend Article 2687, Revised Civil Statutes of

Texas, 1925, prescribing the time of meeting of the County Board of School Trustees in counties containing a population of not less than thirty thousand, two hundred eighty-five (30,285) and not more than thirty thousand, two hundred ninety-one (30,291), according to the last Federal Census; providing the amount of compensation; providing for payment of such compensation out of the State and County Available School Fund; providing that this Act shall be cumulative of all existing laws on this subject but further providing that this Act shall apply where in conflict therewith, and declaring an emergency."

H. B. No. 830, "An Act to validate, ratify, approve, confirm, and declare enforceable all levies and assessments of ad valorem taxes heretofore made by County Line Independent School Districts, partly situated in three (3) counties, the supervision of said school being located in counties having a population not less than seventeen thousand (17,000) nor more than seventeen thousand, five hundred (17,500) as shown by the last preceding Federal Census, not in excess of a limit now provided by law. Such levies validated are the same as are now on record in the Auditor's Division of the State Department of Education. Such levies and assessments are void or unenforceable because the same were made and adopted by resolution, motion, or other informal action, and because of the failure of the governing body of such districts to appoint the proper and statutory Board of Equalization; and which are insufficient and void, or unenforceable on account of technical irregularities in the manner of preparing the books and reports of assessors assessing such property; and all equalizations of said valuations of such property for taxation purposes made by the Boards of Equalization acting for any such school districts, which are irregular or insufficient because the reports of such equalizations were adopted and accepted orally, or by other informal action; and the acts of making such equalization were made orally or informally, or in incomplete form; providing this Act shall not affect suits pending at the time same becomes effective; and further providing that this Act shall not validate any valuation placed upon property by any Board of Equaliza-

tion or any tax assessor where such property has been valued in excess of its reasonable cash market value, or where such property has been discriminated against as to value or placed upon the rolls at a higher value than property of like kind and character, or at a greater percentage of its value than other property assessed for taxation; repealing all laws and parts of laws in conflict with this Act and especially repealing House Bill No. 209, Acts of the Forty-sixth Legislature, and declaring an emergency."

H. B. No. 844, "An Act to repeal House Bill No. 579, Acts of the Regular Session of the Forty-fourth Legislature, making it unlawful for any person to take or catch any fish in the waters of any stream, lake, pool, or reservoir of certain counties in this State during the months of April and May of each year; fixing a penalty, and declaring an emergency."

H. B. No. 362, "An Act amending House Bill No. 309, being Chapter 53, page 101 of the Acts of the Thirty-eighth Legislature, Regular Session (1927) as amended by Senate Bill No. 520, being Chapter 210, page 499 of the Acts of the Forty-fourth Legislature, Regular Session (1935), and subdivisions 37, 45, 57, and 73 of Article 199, Title 8, Revised Civil Statutes of 1925 as amended, fixing the terms and prescribing the jurisdiction of the District Courts of the 37th, 45th, 57th and 73rd Judicial Districts, providing for the administration of the business of said Courts, providing for the election of special judges in case of absence, sickness or inability of the regular judges to act and preside in the Civil District Courts of Bexar County, Texas, fixing the effective date of the Act and the date of the expiration of the terms of court then in session, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. C. R. No. 66, Authorizing certain correction in House Bill No. 266.

H. B. No. 599, "An Act to diminish the civil and criminal jurisdiction of the County Court of Stephens County, Texas, and to conform the jurisdiction of the District Courts of such county to such change; to preserve the jurisdiction and power of the County Court of Stephens County, Texas, over certain final judgments rendered prior to the passage of this Act; to require the County Clerk of such county to transmit all papers in pending civil

and criminal cases to the District Court of said County; and to continue in effect the filing date of papers previously filed in the County Court in said pending cases; to fix fees that the District Clerk of such county will be authorized to charge in connection with filing of papers so transmitted to him; to provide for the County Attorney of Stephens County, Texas, to represent the State in misdemeanor cases in the District Court, and to declare an emergency."

H. B. No. 542, "An Act amending House Bill No. 726, Acts of the Forty-fifth Legislature approved May 5, 1937, and creating San Antonio River Canal and Conservancy District under authority of Section 59 of Article 16 of the Constitution of the State of Texas to be a governmental agency, municipality, body politic and corporate; defining certain words and phrases used therein; defining the boundaries of said District and ways of extending same; declaring creation of this District essential to accomplishment of purposes of Section 59 of Article 16, Constitution of State of Texas; providing the said District shall not levy nor collect taxes nor pledge credit of the State; . . . etc.; providing for enforcement of penalties; providing for duties of State Board of Water Engineers, and Reclamation Engineers; providing for Board of nine Directors, etc."

H. B. No. 266, "An Act to amend subdivision 2 of Article 199 of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 128, Acts of the Fortieth Legislature, Regular Session, as amended by Chapter 341, Acts of the Forty-second Legislature, Regular Session; to change and prescribe the time for holding court in the Second Judicial District of Texas and the length and duration of the terms of court therein; to conform all writs and processes of said court to such changes and make all writs and processes issued prior to the effective date of this Act and served prior or subsequent to said effective date, returnable to the terms of court in the several counties in said district as herein provided; to provide for the continuing validity of all bonds and recognizances executed and entered into prior to the effective date of this Act; to validate the summoning of grand and petit juries under existing law and render them available under the provisions of this Act; to repeal

all laws and parts of laws in conflict herewith; and to provide for the effective date of this Act."

#### MESSAGE FROM THE SENATE

Austin, Texas, March 27, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has concurred in House amendments to Senate Concurrent Resolution No. 21 by viva-voce vote.

Concurred in House amendments to Senate Concurrent Resolution No. 25 by a viva-voce vote.

Respectfully,

BOB BARKER,

Secretary of the Senate.

#### CONCERNING PRINTING OF CERTAIN ADDRESS

Mr. Bond moved that the address of Hon. Ross Hardin, in addressing the "Convention of Twins" in Waco, on March 24, be printed in the Journal.

Mr. Alsop moved, as a substitute motion, that the address be printed in mimeograph form.

The substitute motion of Mr. Alsop prevailed.

#### RECESS

Mr. Anderson moved that the House recess until 2:00 o'clock p. m., today.

Mr. Talbert moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

The motion of Mr. Anderson prevailed, and the House, accordingly, at 12:10 o'clock p. m., took recess until 2:00 o'clock p. m., today.

#### AFTERNOON SESSION

The House met at 2:00 o'clock p. m., and was called to order by the Speaker.

#### MESSAGE FROM THE SENATE

Austin, Texas, March 27, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has passed the following:

H. B. No. 20, A bill to be entitled "An Act to be known as the 'State

Soil Conservation Act', reciting the legislative determination and declaration of policy; describing the consequence of soil erosion and the depletion of the fertility of the soil; reciting appropriate corrective methods used in this Act; establishing the State Soil Conservation Board; establishing five (5) State Districts from which members of the State Soil Conservation Board are to be elected; defining the powers and duties of said members acting through and for said State Soil Conservation Board, and declaring an emergency." (With amendments.)

Adopted

H. C. R. No. 68, Authorizing the correction of House Bill No. 350.

Passed

S. B. No. 414, A bill to be entitled "An Act prescribing the method for annexation of unoccupied territory, etc., and declaring an emergency."

I am directed by the Senate to inform the House the Senate has passed the following:

H. B. No. 687, A bill to be entitled "An Act giving civil jurisdiction to the Criminal District Court of Jefferson County of suits and causes in matters of divorce, dependent and delinquent children, adoption and habeas corpus in civil proceedings providing for the transfer and trial of such causes and the duties of the officers of the Court; providing for the civil procedure therein in accordance with the general civil statutes and Article 2092, Revised Civil Statutes of Texas, of 1925, and providing for appeals in civil matters to the Court of Civil Appeals for the Ninth Supreme Judicial District of Texas, and declaring an emergency." (With amendment.)

H. B. No. 701, A bill to be entitled "An Act to amend Article 1334, Revised Statutes, 1925, so as to authorize facsimile signatures and seals on stock certificates signed by a transfer agent and registrar, and prescribing the conditions for the use of such facsimiles, and declaring an emergency."

Respectfully,

BOB BARKER,

Secretary of the Senate.

# HOUSE BILL NO. 231 ON PASSAGE TO ENGROSSMENT

The House resumed consideration of pending business, same being House Bill No. 231, relative to protecting trade-mark owners, etc., on its passage to engrossment.

The bill having been read second time, on this morning.

(Pending consideration of House Bill No. 231, Mr. Thornton occupied the Chair, temporarily.)

(Speaker in the Chair.)

Mr. Mays moved that House Bill No. 231 be tabled.

Mr. Colquitt raised the following point of order:

I raise the point of order, that any Member shall not be permitted to vote on this bill, Rule 12, Section 2, who has a personal or private interest in any measure or bill proposed or pending before the House, shall disclose the fact, and not vote thereon.

As being in violation of the Constitution, Article 3, Section 22, which reads that a Member who has a personal or private interest in any measure or bill proposed or pending before the Legislature shall disclose the fact to the House of which he is a Member and shall not vote thereon.

The Speaker sustained the point of order.

Question then recurring on the motion to table House Bill No. 231, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—17

|                 |           |
|-----------------|-----------|
| Bailey          | Hankamer  |
| Brown           | Kern      |
| of Nacogdoches  | Kersey    |
| Cockrell        | Mays      |
| Corry           | Pace      |
| Daniel          | Roberts   |
| Davis of Jasper | Stinson   |
| Fuchs           | Westbrook |
| Galbreath       | Wright    |

Nays—110

|                  |           |
|------------------|-----------|
| Allen            | Bond      |
| Allison          | Boyd      |
| Alsup            | Boyer     |
| Anderson         | Bradbury  |
| Baker of Grayson | Bradford  |
| Bell             | Bridgers  |
| Blankenship      | Broadfoot |

|                    |                  |
|--------------------|------------------|
| Brown of Cherokee  | Little           |
| Bundy              | Lock             |
| Burkett            | Loggins          |
| Burney             | London           |
| Cauthorn           | McAlister        |
| Chambers           | McDaniel         |
| Clark              | McDonald         |
| Cleveland          | McFarland        |
| Coleman            | McMurry          |
| Colquitt           | McNamara         |
| Colson, Mrs.       | Mohrmann         |
| Cornett            | Monkhouse        |
| Crossley           | Montgomery       |
| Davis of Upshur    | Morris           |
| Derden             | Newell           |
| Dickison           | Nicholson        |
| Dickson            | Petsch           |
| Donaghey           | Pevehouse        |
| Faulkner           | Reader of Bexar  |
| Felty              | Reader of Erath  |
| Ferguson           | Reaves           |
| Gilmer             | Reed             |
| Goodman            | Rhodes           |
| Gordon, Mrs.       | Riviere          |
| Hale               | Roach            |
| Hamilton           | Robinson         |
| Hardeman           | Russell          |
| Harp               | Segrist          |
| Harper             | Skiles           |
| Harrell of Bastrop | Smith of Frio    |
| Harrell of Lamar   | Smith of Hopkins |
| Harris             | Smith            |
| Hartzog            | of Matagorda     |
| Heflin             | Stoll            |
| Holland            | Talbert          |
| Howard             | Tarwater         |
| Howington          | Tennant          |
| Hull               | Thornberry       |
| Hunt               | Thornton         |
| Isaacks            | Vale             |
| Johnson of Ellis   | Vint             |
| Johnson of Tarrant | Voigt            |
| Keith              | Waggoner         |
| Kennedy            | Weldon           |
| Kerr               | Wells            |
| Kinard             | White            |
| King               | Wilson           |
| Langdon            | Wood             |
| Lehman             | Worley           |

Present—Not Voting

Spencer

Absent

|         |             |
|---------|-------------|
| Bray    | Leyendecker |
| Celaya  | Oliver      |
| Dean    | Piner       |
| Dwyer   | Schuenemann |
| Fielden | Shell       |
| Hardin  | Taylor      |
| Leonard | Turner      |

Absent—Excused

|              |          |
|--------------|----------|
| Baker        | Pope     |
| of Fort Bend | Ragsdale |
| Dowell       | Winfree  |

Mr. Derden offered the following committee amendment to the bill:

Amend House Bill No. 231, by adding to Section 1 a new Subsection to be numbered 4 to read as follows:

"4. Nothing in this Act or any contract herein authorized shall ever be construed as an amendment or modification of the Anti-trust Laws of this State, but the same are declared to be in full force and effect and all the provisions of this Act are subject to the provisions thereof."

Mr. Keith offered the following substitute for the committee amendment by Mr. Derden:

Amend House Bill No. 231, by adding to Section 1 a new Subsection to be numbered 4 to read as follows:

"4. Nothing in this Act or any contract herein authorized shall ever be construed to repeal the Anti-trust Laws of Texas, but said laws shall be and remain in full force and effect except as they may be modified by the terms of this Act."

Mr. Hankamer raised a point of order, on further consideration of the substitute amendment, by Mr. Keith, on the ground that the amendment is unconstitutional in that it attempts to amend the statutes by reference only.

The Speaker overruled the point of order.

Mr. Worley moved to table the substitute amendment by Mr. Keith.

The motion to table prevailed.

Mr. Hankamer offered the following substitute for the committee amendment by Mr. Derden:

Amend House Bill No. 231, by adding to Section No. 1 a new Subsection to be numbered 4 to read as follows:

"Nothing in this Act shall ever be construed as amending, modifying, suspending, or repealing any of the laws of this State defining and prohibiting trusts, monopolies, and conspiracies against trade, with particular reference to Chapter 3, Title 19, Penal Code of this State and Title



126, Revised Civil Statutes of Texas, 1925."

HANKAMER,  
KERSEY.

Mr. Harris moved the previous question, on the pending amendments, and the engrossment of House Bill No. 231, and the motion was duly seconded.

Question recurring on the motion for the main question, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—69

|                    |                    |
|--------------------|--------------------|
| Allison            | Johnson of Tarrant |
| Alsup              | Kerr               |
| Baker of Grayson   | Langdon            |
| Boyer              | Lehman             |
| Bradbury           | Little             |
| Bridgers           | Lock               |
| Bundy              | London             |
| Burney             | McDaniel           |
| Cauthorn           | McDonald           |
| Chambers           | McFarland          |
| Cleveland          | Montgomery         |
| Cockrell           | Morris             |
| Coleman            | Newell             |
| Colquitt           | Nicholson          |
| Colson, Mrs.       | Petsch             |
| Daniel             | Pevehouse          |
| Davis of Jasper    | Reader of Bexar    |
| Dickison           | Reader of Erath    |
| Donaghey           | Rhodes             |
| Dwyer              | Roach              |
| Felty              | Robinson           |
| Goodman            | Russell            |
| Hamilton           | Segrist            |
| Hardin             | Skiles             |
| Harp               | Smith of Hopkins   |
| Harper             | Smith              |
| Harrell of Bastrop | of Matagorda       |
| Harrell of Lamar   | Tarwater           |
| Harris             | Taylor             |
| Hartzog            | Turner             |
| Heflin             | Vint               |
| Howard             | Weldon             |
| Howington          | Wells              |
| Hunt               | White              |
| Johnson of Ellis   | Worley             |

Nays—56

|                   |                 |
|-------------------|-----------------|
| Allen             | Burkett         |
| Bailey            | Celaya          |
| Bell              | Clark           |
| Blankenship       | Corry           |
| Boyd              | Crossley        |
| Bradford          | Davis of Upshur |
| Broadfoot         | Derden          |
| Brown of Cherokee | Ferguson        |
| Brown             | Fuchs           |
| of Nacogdoches    | Galbreath       |

|              |               |
|--------------|---------------|
| Gilmer       | Ragsdale      |
| Gordon, Mrs. | Reed          |
| Hale         | Riviere       |
| Hankamer     | Roberts       |
| Holland      | Schuenemann   |
| Hull         | Shell         |
| Keith        | Smith of Frio |
| Kennedy      | Stinson       |
| Kern         | Stoll         |
| Kersey       | Talbert       |
| King         | Tennant       |
| Loggins      | Thornberry    |
| Mays         | Thornton      |
| McAlister    | Vale          |
| McMurry      | Voigt         |
| Mohrmann     | Waggoner      |
| Monkhouse    | Wood          |
| Pace         | Wright        |
| Piner        |               |

Present—Not Voting

Spencer

Absent

|          |             |
|----------|-------------|
| Anderson | Isaacks     |
| Bond     | Kinard      |
| Bray     | Leonard     |
| Cornett  | Leyendecker |
| Dean     | McNamara    |
| Dickson  | Oliver      |
| Faulkner | Reaves      |
| Fielden  | Westbrook   |
| Hardeman | Wilson      |

Absent—Excused

|              |         |
|--------------|---------|
| Baker        | Pope    |
| of Fort Bend | Winfree |
| Dowell       |         |

Question recurring on the substitute amendment, by Mr. Hankamer; yeas and nays were demanded.

The substitute amendment was adopted by the following vote:

Yeas—73

|                  |              |
|------------------|--------------|
| Allen            | Colquitt     |
| Alsup            | Colson, Mrs. |
| Bailey           | Corry        |
| Baker of Grayson | Crossley     |
| Bell             | Daniel       |
| Bradford         | Derden       |
| Bray             | Donaghey     |
| Broadfoot        | Dwyer        |
| Brown            | Faulkner     |
| of Nacogdoches   | Felty        |
| Burkett          | Fuchs        |
| Burney           | Galbreath    |
| Cauthorn         | Gilmer       |
| Chambers         | Goodman      |
| Clark            | Gordon, Mrs. |
| Cockrell         | Hale         |

|                  |                  |
|------------------|------------------|
| Hankamer         | Monkhouse        |
| Harper           | Pace             |
| Harrell of Lamar | Piner            |
| Harris           | Ragsdale         |
| Hartzog          | Reaves           |
| Heflin           | Roberts          |
| Howard           | Shell            |
| Howington        | Smith of Hopkins |
| Hunt             | Stinson          |
| Johnson of Ellis | Stoll            |
| Kennedy          | Taylor           |
| Kersey           | Tennant          |
| King             | Thornton         |
| Little           | Vale             |
| Loggins          | Voigt            |
| Mays             | Waggoner         |
| McAlister        | White            |
| McDonald         | Wilson           |
| McMurry          | Wood             |
| McNamara         | Worley           |
| Mohrmann         | Wright           |

## Nays—55

|                    |                 |
|--------------------|-----------------|
| Allison            | Lock            |
| Blankenship        | London          |
| Boyd               | McDaniel        |
| Boyer              | McFarland       |
| Bradbury           | Morris          |
| Bridgers           | Newell          |
| Brown of Cherokee  | Nicholson       |
| Bundy              | Pevehouse       |
| Cleveland          | Reader of Bexar |
| Coleman            | Reader of Erath |
| Cornett            | Rhodes          |
| Davis of Upshur    | Riviere         |
| Dickison           | Roach           |
| Dickson            | Robinson        |
| Ferguson           | Russell         |
| Hamilton           | Segrist         |
| Hardeman           | Skiles          |
| Hardin             | Smith of Frio   |
| Harp               | Smith           |
| Harrell of Bastrop | of Matagorda    |
| Holland            | Talbert         |
| Johnson of Tarrant | Tarwater        |
| Keith              | Thornberry      |
| Kern               | Turner          |
| Kerr               | Vint            |
| Kinard             | Weldon          |
| Langdon            | Wells           |
| Lehman             | Westbrook       |

## Present—Not Voting

Spencer

## Absent

|                 |             |
|-----------------|-------------|
| Anderson        | Leonard     |
| Bond            | Leyendecker |
| Celaya          | Montgomery  |
| Davis of Jasper | Oliver      |
| Dean            | Petsch      |
| Fielden         | Reed        |
| Hull            | Schuenemann |
| Isaacks         |             |

## Absent—Excused

|              |         |
|--------------|---------|
| Baker        | Pope    |
| of Fort Bend | Winfree |
| Dowell       |         |

The committee amendment, as substituted, was then adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

Mr. Hankamer raised the point of order, that the bill has not been given a full and free discussion in accordance with the Constitution.

The Speaker overruled the point of order.

Mr. Davis of Upshur raised the point of order, that the bill has not been considered in its entirety, in that there are several committee amendments pending to the bill.

The Speaker overruled the point of order.

House Bill No. 231 was then passed to engrossment by the following vote:

## Yeas—115

|                   |                    |
|-------------------|--------------------|
| Allen             | Faulkner           |
| Allison           | Felty              |
| Alsup             | Ferguson           |
| Baker of Grayson  | Gilmer             |
| Bell              | Goodman            |
| Blankenship       | Gordon, Mrs.       |
| Boyd              | Hale               |
| Boyer             | Hamilton           |
| Bradbury          | Hardeman           |
| Bradford          | Hardin             |
| Bray              | Harp               |
| Bridgers          | Harper             |
| Brown of Cherokee | Harrell of Bastrop |
| Bundy             | Harrell of Lamar   |
| Burkett           | Harris             |
| Burney            | Hartzog            |
| Cauthorn          | Heflin             |
| Celaya            | Holland            |
| Chambers          | Howard             |
| Clark             | Howington          |
| Cleveland         | Hull               |
| Coleman           | Hunt               |
| Colquitt          | Isaacks            |
| Colson, Mrs.      | Johnson of Ellis   |
| Cornett           | Johnson of Tarrant |
| Corry             | Keith              |
| Crossley          | Kennedy            |
| Davis of Jasper   | Kerr               |
| Derden            | Kinard             |
| Dickson           | King               |
| Dickson           | Langdon            |
| Donaghey          | Lehman             |
| Dwyer             | Leonard            |

|                 |               |
|-----------------|---------------|
| Little          | Riviere       |
| Lock            | Roach         |
| Loggins         | Robinson      |
| London          | Russell       |
| McAlister       | Segrist       |
| McDaniel        | Skiles        |
| McDonald        | Smith of Frio |
| McFarland       | Smith         |
| McMurry         | of Matagorda  |
| McNamara        | Stoll         |
| Mohrmann        | Talbert       |
| Monkhouse       | Tarwater      |
| Montgomery      | Tennant       |
| Morris          | Thornberry    |
| Newell          | Thornton      |
| Nicholson       | Turner        |
| Pace            | Vale          |
| Petsch          | Vint          |
| Pevehouse       | Voigt         |
| Piner           | Weldon        |
| Reader of Bexar | Wells         |
| Reader of Erath | White         |
| Reaves          | Wilson        |
| Reed            | Wood          |
| Rhodes          | Worley        |

## Nays—19

|                 |                  |
|-----------------|------------------|
| Bailey          | Kern             |
| Broadfoot       | Kersey           |
| Brown           | Mays             |
| of Nacogdoches  | Ragsdale         |
| Cockrell        | Roberts          |
| Daniel          | Smith of Hopkins |
| Davis of Upshur | Stinson          |
| Fuchs           | Taylor           |
| Galbreath       | Westbrook        |
| Hankamer        | Wright           |

## Present—Not Voting

Spencer

## Absent

|          |             |
|----------|-------------|
| Anderson | Oliver      |
| Bond     | Schuenemann |
| Dean     | Shell       |
| Fielden  | Waggoner    |

## Absent—Excused

|              |         |
|--------------|---------|
| Baker        | Pope    |
| of Fort Bend | Winfree |
| Dowell       |         |

## HOUSE BILL NO. 231 ON THIRD READING

Mr. Reader of Bexar moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 231 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—114

|                    |                  |
|--------------------|------------------|
| Allen              | Kerr             |
| Allison            | Kinard           |
| Alsup              | King             |
| Baker of Grayson   | Langdon          |
| Bell               | Lehman           |
| Blankenship        | Leonard          |
| Boyd               | Little           |
| Boyer              | Lock             |
| Bradbury           | Loggins          |
| Bradford           | London           |
| Bray               | McAlister        |
| Bridgers           | McDaniel         |
| Brown of Cherokee  | McDonald         |
| Bundy              | McFarland        |
| Burkett            | McMurry          |
| Burney             | McNamara         |
| Cauthorn           | Mohrmann         |
| Celaya             | Monkhouse        |
| Chambers           | Montgomery       |
| Clark              | Morris           |
| Cleveland          | Newell           |
| Coleman            | Nicholson        |
| Colquitt           | Petsch           |
| Colson, Mrs.       | Pevehouse        |
| Crossley           | Piner            |
| Davis of Jasper    | Ragsdale         |
| Derden             | Reader of Bexar  |
| Dickson            | Reader of Erath  |
| Dickson            | Reaves           |
| Donaghey           | Reed             |
| Dwyer              | Rhodes           |
| Faulkner           | Riviere          |
| Felty              | Roach            |
| Ferguson           | Robinson         |
| Gilmer             | Russell          |
| Goodman            | Segrist          |
| Gordon, Mrs.       | Skiles           |
| Hale               | Smith of Frio    |
| Hamilton           | Smith of Hopkins |
| Hardeman           | Smith            |
| Hardin             | of Matagorda     |
| Harp               | Stoll            |
| Harper             | Talbert          |
| Harrell of Bastrop | Tarwater         |
| Harrell of Lamar   | Tennant          |
| Harris             | Thornberry       |
| Hartzog            | Thornton         |
| Heflin             | Turner           |
| Holland            | Vale             |
| Howard             | Vint             |
| Howington          | Voigt            |
| Hull               | Weldon           |
| Hunt               | Wells            |
| Isaacks            | White            |
| Johnson of Ellis   | Wilson           |
| Johnson of Tarrant | Wood             |
| Keith              | Worley           |
| Kennedy            |                  |

## Nays—19

|                 |           |
|-----------------|-----------|
| Bailey          | Kern      |
| Broadfoot       | Kersey    |
| Cockrell        | Mays      |
| Cornett         | Pace      |
| Corry           | Roberts   |
| Daniel          | Stinson   |
| Davis of Upshur | Taylor    |
| Fuchs           | Westbrook |
| Galbreath       | Wright    |
| Hankamer        |           |

## Present—Not Voting

Spencer

## Absent

|                |             |
|----------------|-------------|
| Anderson       | Leyendecker |
| Bond           | Oliver      |
| Brown          | Schuenemann |
| of Nacogdoches | Shell       |
| Dean           | Waggoner    |
| Fielden        |             |

## Absent—Excused

|              |         |
|--------------|---------|
| Baker        | Pope    |
| of Fort Bend | Winfree |
| Dowell       |         |

The Speaker then laid House Bill No. 231 before the House on third reading and final passage.

The bill was read third time.

Mr. Davis of Upshur offered the following amendment to the bill:

Amend House Bill No. 231, by striking out line 17, page 1.

On motion of Mr. Reader of Bexar, the amendment was tabled.

Mr. Davis of Upshur moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

The motion was lost.

Mr. Derden offered the following committee amendment to the bill:

Amend House Bill No. 231, by adding to Section 1, the following to be known as Subsection 5 thereof to read as follows:

“(5) Nothing herein shall be construed to prevent any person from conducting a clearance sale of goods or merchandise in his business where such sale or sales are made or advertised to be made as a bona fide clearance sale as that term is commonly used and understood, so long as such sale or sales are not made or offered to be made with the intent, or where the effect tends to lessen, injure, destroy, prevent or suppress competition of any regu-

larly established dealer in the same article, product or commodity, or to create a monopoly in the sale of such article, product or commodity; provided that no such sale shall be made by any person until such person shall have been in business in the city, town, village, or community where such sale is made or conducted for a period of at least six (6) months next preceding the date of the beginning of such sale, provided that not more than four (4) such sales may be held within a period of one (1) year and no one sale to be conducted for more than thirty (30) days.”

Mr. Smith of Matagorda offered the following amendment to the committee amendment:

Amend committee amendment No. 2 to House Bill No. 231, by adding to the end thereof, the following:

“Provided that such sales shall not include loss leader sales, namely: sales, or offer for sale, or offers to sell below cost, as hereinafter defined, of any article, product or commodity, with the intent, or where the effect of the sale or offer to sell of such loss leader may tend or tends to lessen, injure, destroy, prevent, hinder or suppress competition of any regularly established dealer in such article, product or commodity. Any sale, offer for sale, or offer to sell such article, product or commodity below the cost thereof shall be presumed to be a ‘loss leader sale.’”

SMITH of Matagorda,  
DERDEN.

The amendment to the committee amendment was adopted.

The committee amendment, as amended, was then adopted by the following vote:

## Yeas—119

|                   |                |
|-------------------|----------------|
| Allen             | Brown          |
| Allison           | of Nacogdoches |
| Alsup             | Bundy          |
| Bailey            | Burkett        |
| Baker of Grayson  | Burney         |
| Bell              | Cauthorn       |
| Blankenship       | Celaya         |
| Bond              | Chambers       |
| Boyd              | Clark          |
| Boyer             | Cleveland      |
| Bradbury          | Cockrell       |
| Bradford          | Coleman        |
| Bridgers          | Colson, Mrs.   |
| Broadfoot         | Cornett        |
| Brown of Cherokee | Crossley       |

|                    |                  |
|--------------------|------------------|
| Daniel             | Mohrmann         |
| Davis of Jasper    | Monkhouse        |
| Davis of Upshur    | Montgomery       |
| Derden             | Morris           |
| Dickison           | Newell           |
| Dickson            | Nicholson        |
| Donaghey           | Pace             |
| Dwyer              | Pevehouse        |
| Faulkner           | Piner            |
| Felty              | Ragsdale         |
| Ferguson           | Reader of Bexar  |
| Hale               | Reader of Erath  |
| Hamilton           | Reaves           |
| Hankamer           | Riviere          |
| Hardeman           | Roach            |
| Hardin             | Roberts          |
| Harp               | Robinson         |
| Harper             | Russell          |
| Harrell of Bastrop | Schuenemann      |
| Harrell of Lamar   | Segrist          |
| Harris             | Shell            |
| Hartzog            | Skiles           |
| Heflin             | Smith of Frio    |
| Holland            | Smith of Hopkins |
| Howard             | Smith            |
| Howington          | of Matagorda     |
| Hull               | Stinson          |
| Hunt               | Stoll            |
| Johnson of Ellis   | Talbert          |
| Johnson of Tarrant | Tarwater         |
| Kennedy            | Taylor           |
| Kern               | Tennant          |
| Kerr               | Thornton         |
| Kersey             | Turner           |
| Kinard             | Vale             |
| King               | Vint             |
| Lehman             | Voigt            |
| Little             | Waggoner         |
| Lock               | Wells            |
| Loggins            | Westbrook        |
| London             | White            |
| Mays               | Wilson           |
| McAlister          | Wood             |
| McDaniel           | Worley           |
| McMurry            | Wright           |
| McNamara           |                  |

## Nays—4

|           |         |
|-----------|---------|
| Fuchs     | Isaacks |
| Galbreath | Keith   |

## Present—Not Voting

Spencer

## Absent

|          |              |
|----------|--------------|
| Anderson | Gordon, Mrs. |
| Bray     | Langdon      |
| Colquitt | Leonard      |
| Corry    | Leyendecker  |
| Dean     | McDonald     |
| Fielden  | McFarland    |
| Gilmer   | Oliver       |
| Goodman  | Petsch       |

|        |            |
|--------|------------|
| Reed   | Thornberry |
| Rhodes | Weldon     |

## Absent—Excused

|              |         |
|--------------|---------|
| Baker        | Pope    |
| of Fort Bend | Winfree |
| Dowell       |         |

Mr. Taylor offered the following amendment to the bill:

Amend House Bill No. 231, by adding a new Section immediately following Section 2, to be known as Section 2-A, and read as follows:

"2-A. No such contract to which a foreign corporation is a party shall be valid or authorized by this Act unless such foreign corporation shall first secure a permit to do business in this State as required by the laws of the State of Texas pertaining to foreign corporations and shall have paid all franchise taxes, fees and assessments required by the laws of this State, and no commodity shall be marketed in this State under the protection of this Act unless the maker, producer or distributor of such commodity shall have first complied with all the provisions of this Act."

TAYLOR,  
HANKAMER,  
KERSEY.

The amendment was lost by the following vote:

## Yeas—39

|                  |           |
|------------------|-----------|
| Allen            | Hull      |
| Alsup            | Kern      |
| Bailey           | Kersey    |
| Broadfoot        | Langdon   |
| Burkett          | Lehman    |
| Chambers         | Mays      |
| Cockrell         | Pace      |
| Colquitt         | Pope      |
| Corry            | Roberts   |
| Crossley         | Stinson   |
| Daniel           | Stoll     |
| Davis of Upshur  | Talbert   |
| Ferguson         | Taylor    |
| Fuchs            | Tennant   |
| Galbreath        | Turner    |
| Hankamer         | Waggoner  |
| Harper           | Westbrook |
| Harrell of Lamar | Wood      |
| Holland          | Wright    |
| Howington        |           |

## Nays—87

|                  |       |
|------------------|-------|
| Allison          | Bond  |
| Baker of Grayson | Boyd  |
| Bell             | Boyer |

|                      |                    |
|----------------------|--------------------|
| Bradbury             | King               |
| Bradford             | Lock               |
| Bridgers             | Loggins            |
| Brown of Cherokee    | London             |
| Brown of Nacogdoches | McAlister          |
| Bundy                | McDaniel           |
| Burney               | McMurry            |
| Cauthorn             | McNamara           |
| Celaya               | Mohrmann           |
| Clark                | Monkhouse          |
| Cleveland            | Montgomery         |
| Coleman              | Morris             |
| Cornett              | Newell             |
| Davis of Jasper      | Nicholson          |
| Derden               | Petsch             |
| Dickison             | Pevehouse          |
| Dickson              | Reader of Bexar    |
| Donaghey             | Reader of Erath    |
| Dwyer                | Reaves             |
| Faulkner             | Reed               |
| Felty                | Riviere            |
| Gilmer               | Roach              |
| Goodman              | Robinson           |
| Gordon, Mrs.         | Russell            |
| Hale                 | Segrist            |
| Hamilton             | Skiles             |
| Hardeman             | Smith of Frio      |
| Hardin               | Smith of Hopkins   |
| Harp                 | Smith of Matagorda |
| Harrell of Bastrop   | Tarwater           |
| Harris               | Thornberry         |
| Heflin               | Thornton           |
| Howard               | Vale               |
| Hunt                 | Vint               |
| Isaacks              | Voigt              |
| Johnson of Ellis     | Weldon             |
| Johnson of Tarrant   | Wells              |
| Keith                | White              |
| Kennedy              | Wilson             |
| Kerr                 | Worley             |
| Kinard               |                    |

## Present—Not Voting

Spencer

## Absent

|              |             |
|--------------|-------------|
| Anderson     | Little      |
| Blankenship  | McDonald    |
| Bray         | McFarland   |
| Colson, Mrs. | Oliver      |
| Dean         | Piner       |
| Fielden      | Rhodes      |
| Hartzog      | Schuenemann |
| Leonard      | Shell       |
| Leyendecker  |             |

## Absent—Excused

|                    |          |
|--------------------|----------|
| Baker of Fort Bend | Ragsdale |
| Dowell             | Winfree  |

Mr. Hardeman offered the following amendment to the bill:

Amend House Bill No. 231, by adding a new Section to be known as Section 2-b, to read as follows:

"It is hereby declared unlawful for any person to misrepresent any article, offered for sale by any business operated in this State, as to contents or percentage in relation to constituent materials, weight or purity, and upon conviction he shall be deemed guilty of a misdemeanor and shall be fined not less than Fifty (\$50.00) Dollars nor more than Two Hundred and Fifty Dollars (\$250.00)"

HARDEMAN,  
GILMER,  
MONKHOUSE,  
PETSCH,  
CAUTHORN,  
REAVES.

Mr. Allison moved the previous question, on the pending amendment, and House Bill No. 231, and the motion was duly seconded.

Question recurring on the motion for the main question, yeas and nays were demanded.

The roll of the House was called, and the vote announced, as follows: Yeas, 54; Nays, 49.

A verification of the vote was requested.

Mr. Reader of Bexar moved a call of the House, pending the verification, and the call was duly ordered.

The roll of the "yeas" and "nays" was again called, and the verified vote resulted as follows:

## Yeas—62

|                  |                    |
|------------------|--------------------|
| Allison          | Donaghey           |
| Alsup            | Dwyer              |
| Baker of Grayson | Faulkner           |
| Bond             | Felty              |
| Boyer            | Goodman            |
| Bradbury         | Hamilton           |
| Bridgers         | Hardin             |
| Bundy            | Harp               |
| Burney           | Harrell of Bastrop |
| Cauthorn         | Harris             |
| Celaya           | Heflin             |
| Chambers         | Holland            |
| Clark            | Howington          |
| Cleveland        | Hull               |
| Coleman          | Isaacks            |
| Cornett          | Keith              |
| Derden           | Kerr               |
| Dickison         | King               |
| Dickson          | Little             |

|                 |               |
|-----------------|---------------|
| London          | Segrist       |
| McDaniel        | Skiles        |
| Montgomery      | Smith of Frio |
| Morris          | Smith         |
| Newell          | of Matagorda  |
| Pevehouse       | Stoll         |
| Reader of Bexar | Tarwater      |
| Reader of Erath | Thornberry    |
| Reaves          | Voigt         |
| Rhodes          | Weldon        |
| Roach           | Wells         |
| Robinson        | White         |
| Russell         |               |

## Nays—50

|                   |           |
|-------------------|-----------|
| Bailey            | Kennedy   |
| Bell              | Kern      |
| Blankenship       | Kersey    |
| Boyd              | Lehman    |
| Bradford          | Lock      |
| Broadfoot         | Mays      |
| Brown of Cherokee | McAlister |
| Brown             | McMurry   |
| of Nacogdoches    | McNamara  |
| Burkett           | Mohrmann  |
| Cockrell          | Monkhouse |
| Colquitt          | Pace      |
| Colson, Mrs.      | Reed      |
| Corry             | Riviere   |
| Crossley          | Roberts   |
| Daniel            | Stinson   |
| Davis of Upshur   | Talbert   |
| Ferguson          | Taylor    |
| Fielden           | Tennant   |
| Fuchs             | Thornton  |
| Galbreath         | Vint      |
| Hale              | Waggoner  |
| Hankamer          | Wilson    |
| Hardeman          | Wood      |
| Harper            | Worley    |
| Howard            |           |

## Present—Not Voting

|      |         |
|------|---------|
| Hunt | Spencer |
|------|---------|

## Absent

|                    |                  |
|--------------------|------------------|
| Allen              | McDonald         |
| Anderson           | McFarland        |
| Bray               | Nicholson        |
| Davis of Jasper    | Oliver           |
| Dean               | Petsch           |
| Gilmer             | Piner            |
| Gordon, Mrs.       | Pope             |
| Harrell of Lamar   | Ragsdale         |
| Hartzog            | Schuenemann      |
| Johnson of Ellis   | Shell            |
| Johnson of Tarrant | Smith of Hopkins |
| Kinard             | Turner           |
| Langdon            | Vale             |
| Leonard            | Westbrook        |
| Leyendecker        | Wright           |
| Loggins            |                  |

## Absent—Excused

|              |         |
|--------------|---------|
| Baker        | Dowell  |
| of Fort Bend | Winfree |

The Speaker announced that the motion for the previous question prevailed.

## REASON FOR VOTE

I voted "no" on the previous question as a matter of principle, because I do not believe in passing any bill without full and free discussion thereon.

## HALE.

The amendment, by Mr. Hardeman, was then adopted by the following vote:

## Yeas—131

|                   |                    |
|-------------------|--------------------|
| Allen             | Fuchs              |
| Allison           | Galbreath          |
| Alsup             | Gilmer             |
| Bailey            | Goodman            |
| Baker of Grayson  | Gordon, Mrs.       |
| Bell              | Hamilton           |
| Blankenship       | Hankamer           |
| Bond              | Hardeman           |
| Boyd              | Hardin             |
| Boyer             | Harp               |
| Bradbury          | Harper             |
| Bradford          | Harrell of Bastrop |
| Bridgers          | Harrell of Lamar   |
| Broadfoot         | Harris             |
| Brown of Cherokee | Hartzog            |
| Brown             | Heflin             |
| of Nacogdoches    | Holland            |
| Bundy             | Howard             |
| Burkett           | Howington          |
| Burney            | Hull               |
| Cauthorn          | Hunt               |
| Celaya            | Isaacks            |
| Chambers          | Johnson of Ellis   |
| Clark             | Johnson of Tarrant |
| Cleveland         | Keith              |
| Cockrell          | Kennedy            |
| Coleman           | Kern               |
| Colquitt          | Kerr               |
| Colson, Mrs.      | Kersey             |
| Cornett           | Kinard             |
| Corry             | King               |
| Crossley          | Langdon            |
| Daniel            | Lehman             |
| Davis of Jasper   | Little             |
| Davis of Upshur   | Lock               |
| Derden            | Mays               |
| Dickison          | McDaniel           |
| Dickson           | McDonald           |
| Donaghey          | McMurry            |
| Dwyer             | McNamara           |
| Faulkner          | Mohrmann           |
| Felty             | Monkhouse          |
| Ferguson          | Montgomery         |

|                  |              |
|------------------|--------------|
| Morris           | Smith        |
| Newell           | of Matagorda |
| Nicholson        | Stinson      |
| Oliver           | Stoll        |
| Pace             | Talbert      |
| Petsch           | Tarwater     |
| Pevehouse        | Taylor       |
| Ragsdale         | Tennant      |
| Reader of Bexar  | Thornberry   |
| Reader of Erath  | Thornton     |
| Reaves           | Turner       |
| Reed             | Vale         |
| Rhodes           | Vint         |
| Riviere          | Voigt        |
| Roach            | Waggoner     |
| Roberts          | Weldon       |
| Robinson         | Wells        |
| Russell          | Westbrook    |
| Schuenemann      | White        |
| Segrist          | Wilson       |
| Shell            | Wood         |
| Skiles           | Worley       |
| Smith of Frio    | Wright       |
| Smith of Hopkins |              |

Nays—3

|           |      |
|-----------|------|
| Fielden   | Pope |
| McAlister |      |

Present—Not Voting

Spencer

Absent

|          |             |
|----------|-------------|
| Anderson | Leyendecker |
| Bray     | Loggins     |
| Dean     | London      |
| Hale     | McFarland   |
| Leonard  | Piner       |

Absent—Excused

|              |         |
|--------------|---------|
| Baker        | Dowell  |
| of Fort Bend | Winfree |

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 231 was then passed by the following vote:

Yeas—114

|                  |                   |
|------------------|-------------------|
| Allen            | Bridgers          |
| Allison          | Brown of Cherokee |
| Alsup            | Bundy             |
| Baker of Grayson | Burkett           |
| Bell             | Burney            |
| Blankenship      | Cauthorn          |
| Bond             | Celaya            |
| Boyd             | Chambers          |
| Boyer            | Clark             |
| Bradbury         | Cleveland         |
| Bradford         | Coleman           |

|                    |                 |
|--------------------|-----------------|
| Colquitt           | McAlister       |
| Colson, Mrs.       | McDaniel        |
| Corry              | McDonald        |
| Crossley           | McMurry         |
| Davis of Jasper    | McNamara        |
| Derden             | Mohrmann        |
| Dickison           | Monkhouse       |
| Dickson            | Montgomery      |
| Donaghey           | Morris          |
| Dwyer              | Newell          |
| Faulkner           | Nicholson       |
| Felty              | Petsch          |
| Ferguson           | Pevehouse       |
| Gilmer             | Ragsdale        |
| Goodman            | Reader of Bexar |
| Gordon, Mrs.       | Reader of Erath |
| Hale               | Reaves          |
| Hamilton           | Reed            |
| Hardeman           | Rhodes          |
| Hardin             | Riviere         |
| Harp               | Roach           |
| Harper             | Roberts         |
| Harrell of Bastrop | Robinson        |
| Harrell of Lamar   | Russell         |
| Harris             | Segrist         |
| Hartzog            | Skiles          |
| Heflin             | Smith of Frio   |
| Holland            | Smith           |
| Howard             | of Matagorda    |
| Howington          | Stoll           |
| Hull               | Talbert         |
| Hunt               | Tarwater        |
| Isaacks            | Taylor          |
| Johnson of Ellis   | Tennant         |
| Johnson of Tarrant | Thornberry      |
| Keith              | Thornton        |
| Kennedy            | Turner          |
| Kerr               | Vale            |
| Kinard             | Vint            |
| King               | Voigt           |
| Langdon            | Waggoner        |
| Lehman             | Weldon          |
| Leonard            | Wells           |
| Little             | White           |
| Lock               | Wilson          |
| Loggins            | Worley          |
| London             |                 |

Nays—19

|                 |                  |
|-----------------|------------------|
| Bailey          | Kern             |
| Broadfoot       | Kersey           |
| Cockrell        | Mays             |
| Cornett         | Pace             |
| Daniel          | Pope             |
| Davis of Upshur | Smith of Hopkins |
| Fielden         | Stinson          |
| Fuchs           | Westbrook        |
| Galbreath       | Wright           |
| Hankamer        |                  |

Present—Not Voting

Spencer



## Absent

|                |             |
|----------------|-------------|
| Anderson       | Leyendecker |
| Baker          | McFarland   |
| of Fort Bend   | Oliver      |
| Bray           | Piner       |
| Brown          | Schuenemann |
| of Nacogdoches | Shell       |
| Dean           | Wood        |

## Absent—Excused

|        |         |
|--------|---------|
| Dowell | Winfree |
|--------|---------|

Mr. Reader of Bexar moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

## REASON FOR VOTE

I voted "present, not voting" on House Bill No. 231 in keeping with Article III, Section 22, of the Constitution of Texas: "A Member who has a personal or private interest in any measure shall disclose this fact and shall not vote thereon."

SPENCER.

HOUSE BILL NO. 20 WITH  
SENATE AMEND-  
MENTS

Mr. Ragsdale called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 20, A bill to be entitled "An Act to be known as the 'State Soil Conservation Act,' reciting the legislative determination and declaration of policy; describing the consequence of soil erosion and the depletion of the fertility of the soil; reciting appropriate corrective methods; defining certain words and phrases used in this Act; establishing the State Soil Conservation Board; establishing five (5) State Districts from which members of the State Soil Conservation Board are to be elected; defining the powers and duties of said members acting through and for said State Soil Conservation Board, etc., and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

Mr. Ragsdale moved that the House do not concur in the Senate amendments, and that a Conference Committee be requested to adjust the differ-

ences between the two Houses on the bill.

The motion prevailed.

In accordance with the above motion, the Speaker announced the following Conference Committee, on the part of the House, on House Bill No. 20: Messrs. Schuenemann, Bradbury, Tarwater, Fuchs and Ragsdale.

## MESSAGE FROM THE SENATE

Austin, Texas, March 27, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has passed the following:

S. B. No. 263, A bill to be entitled "An Act to create a more efficient road law for Randall County, etc., and declaring an emergency."

S. B. No. 264, A bill to be entitled "An Act granting permission to Mount Olivet Cemetery Co., etc., to sue the State Highway Department, and declaring an emergency."

Respectfully,

BOB BARKER,

Secretary of the Senate.

PROVIDING FOR CONSIDERA-  
TION OF LOCAL AND UN-  
CONTESTED BILLS

Mr. Mays moved that the House meet at 7:30 o'clock p. m., next Wednesday for the purpose of considering local and uncontested bills.

The motion prevailed.

## COMMUNICATION

The Speaker laid before the House, and had read, the following communication:

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: We, your Committee on Contingent Expenses on this 27th day of March, 1939, have adopted a motion not to mimeograph, or otherwise print, any bill which has been introduced in the House, only to the extent of furnishing copies to Members of any committee considering such a bill.

In order for a Member of the House to have bills mimeographed and placed on the Members' desks before the bill has been properly considered by a

committee, it will have to be ordered by the House.

Respectfully submitted,

LON E. ALSUP,  
Chairman  
Contingent Expenses.  
WOOD,  
SMITH of Matagorda,  
ROACH,  
COLEMAN, Vice-  
Chairman.

#### SPECIAL COMMITTEE AP- POINTED

In accordance with the provisions of House Simple Resolution No. 188, by Mr. Bradbury, to make certain recommendation in regard to Social Security Program, the Speaker announced the appointment of the following committee: Messrs. Hankamer, Coleman, Dean, Leonard, Taylor, Isaacks, Felty, Holland, Langdon and Reed.

#### RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled resolutions:

S. C. R. No. 6, Granting Mrs. R. R. Jones permission to sue the State.

S. C. R. No. 23, Relative to portrait of Governor James V. Allred.

S. C. R. No. 26, Endorsing Hon. John Nance Garner as a candidate for President of the United States.

S. C. R. No. 25, Authorizing the loan of certain highway equipment.

S. C. R. No. 21, Relative to the San Jacinto Memorial Tower.

H. C. R. No. 68, Authorizing certain correction in House Bill No. 350.

#### SENATE BILLS ON FIRST READING

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 286, to the Committee on Municipal and Private Corporations.

Senate Bill No. 303, to the Committee on Conservation and Reclamation.

Senate Bill No. 414, to the Committee on Municipal and Private Corporations.

Senate Bill No. 263, to the Committee on Counties.

Senate Bill No. 264, to the Committee on State Affairs.

#### HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Brown of Cherokee:

H. B. No. 913, A bill to be entitled "An Act providing for more adequate and equitable salary for County Superintendents of Public Instruction in all those counties of Texas coming within the brackets and population figures herein, specifically in all those counties having not less than forty-three thousand, one hundred twenty-five (43,125), and not more than forty-three thousand, two hundred (43,200), according to the last preceding Federal Census; modifying all laws or parts of laws in conflict herewith; making the Act cumulative of the General Law, and declaring an emergency."

Referred to the Committee on Education.

Mr. Johnson of Tarrant asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 914.

There was no objection offered.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Johnson of Tarrant, Mr. Bradford, Mr. McAlister, Mr. Hull and Mr. Corry:

H. B. No. 914, A bill to be entitled "An Act providing for the appointment of a Chief Juvenile Officer by the County Juvenile Board of certain counties, and repealing laws, or parts of laws in conflict therewith, and declaring an emergency."

Referred to the Committee on Counties.

Mr. Howard asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 915.

There was no objection offered.

The Speaker then laid the bill before the House, it was read first

time, and referred to the appropriate committee, as follows:

By Mr. Howard:

H. B. No. 915, A bill to be entitled "An Act obtaining for and reserving to the State of Texas certain mineral royalties under and validating and quitclaiming title to 45.6 acres of land, more or less, bounded by the waters of Clear Creek, Clear Lake and Cut-Off Bayou, located at the southernmost tip of the Ritson-Morris Survey, situated in Harris County, Texas, and declaring an emergency."

Referred to the Committee on Oil, Gas and Mining.

### ADJOURNMENT

Mr. Smith of Hopkins moved that the House recess until 7:30 o'clock p. m., today.

Mr. Baker of Grayson moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

The motion of Mr. Baker of Grayson prevailed, and the House, accordingly, at 6:00 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

### APPENDIX

#### STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Counties: House Bills Nos. 873, 885, 886, 906 and 909.

State Affairs: House Bill No. 759.

Judicial Districts: Senate Bill No. 216.

#### REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, March 24, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 52, Granting N. A. Moore permission to sue the State of Texas.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 24, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 426, A bill to be entitled "An Act making appropriations to pay deficiency appropriations granted by the Governor during the fiscal years beginning September 1, 1936, and ending August 31, 1938, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 24, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 53, To grant S. W. Knox and wife permission to sue the State.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 27, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 68, Authorizing the Enrolling Clerk to correct House Bill No. 350.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 27, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 95, A bill to be entitled "An Act to amend Articles 5024, 5025, 5026, 5029, and 5032 of Chapter 20, Title 78 of the Revised Civil Statutes of Texas, 1925, relating to indemnity contracts by reciprocal or inter-insurance exchanges and to fix the extent of liability of subscribers at such exchanges and to repeal all laws and parts of laws in conflict therewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 27, 1939.  
Hon. R. Emmett Morse, Speaker of  
the House of Representatives.

Sir: Your Committee on Engrossed  
Bills, to whom was referred

H. B. No. 336, A bill to be entitled  
"An Act making an emergency ap-  
propriation to supplement an appro-  
priation made by the Regular Session  
of the Forty-fifth Legislature for the  
fiscal year ending August 31, 1939,  
found on page 1368, Acts of the Regu-  
lar Session of the Forty-fifth Legisla-  
ture; said appropriation is to pay the  
salaries and other expenses of the  
inspection work incident to the eradi-  
cation of the pink bollworm, under the  
provisions of Chapter 3, Title 4, Re-  
vised Civil Statutes of Texas, 1939,  
known as the Pink Bollworm Law, and  
amendments thereto, and declaring an  
emergency."

Has carefully compared same and  
finds it correctly engrossed.

BRIDGERS, Chairman.

#### REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, March 24, 1939.

Hon. R. Emmett Morse, Speaker of  
the House of Representatives.

Sir: Your Committee on Enrolled  
Bills, to whom was referred

H. B. No. 11, "An Act appropriat-  
ing Seven Hundred and Eighteen  
Thousand, Two Hundred and Fifty-  
five Dollars (\$718,255.00) as a sup-  
plemental appropriation to the funds  
appropriated for salary aid in House  
Bill No. 133 of the Acts of the Second  
Called Session of the Forty-fifth Leg-  
islature; provided that no school shall  
benefit hereunder which has paid its  
public funds to any person for secur-  
ing legislative aid; providing that the  
funds herein appropriated are to be  
used to supplement payments for sal-  
ary aid for the first year of the bi-  
ennium 1937-1938 and for no other  
purpose; providing that the funds  
herein appropriated are to be ex-  
pended under the provisions of this  
Act and under the terms and condi-  
tions and in the manner provided in  
the regular appropriation for salary  
aid in House Bill No. 133; providing  
that the funds herein appropriated are  
to be prorated on a percentage basis;  
providing that the funds appropriated

for salary aid in House Bill No. 133  
and in this bill are to be in full and  
complete payment of any claim for  
salary aid for the first year of the  
biennium 1937-1938; providing appli-  
cations for aid under this Act shall  
have been declared eligible under  
House Bill No. 133 and on file and  
approved by the State Board of Edu-  
cation prior to the passage of this  
Act; providing that the money herein  
appropriated is to be used for the  
purpose designated and no other pur-  
pose; providing a penalty for misap-  
propriation of these funds; allocating  
Ten Thousand Dollars (\$10,000.00) of  
the appropriation to the Division of  
Census; appropriating an additional  
sum of Seven Hundred and Ninety-  
nine Thousand, Seven Hundred and  
Eighty-nine Dollars and Sixty Cents  
(\$799,789.60) to as nearly as possible  
pay ninety-four per cent (94%) of  
teachers' salaries for 1938-1939 to be  
expended in accordance with the pro-  
visions of House Bill No. 133, Acts of  
the Second Called Session of the  
Forty-fifth Legislature, and declaring  
an emergency."

Has carefully compared same and  
finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, March 27, 1939.

Hon. R. Emmett Morse, Speaker of  
the House of Representatives.

Sir: Your Committee on Enrolled  
Bills, to whom was referred

H. B. No. 60, "An Act to amend  
Article 2687, Revised Civil Statutes  
of Texas, 1925, prescribing the time  
of meeting of the County Board of  
School Trustees in counties containing  
a population of not less than thirty  
thousand, two hundred and eighty-five  
(30,285) and not more than thirty  
thousand, two hundred and ninety-  
one (30,291), according to the last  
preceding Federal Census; providing  
the amount of compensation; provid-  
ing for payment of such compensa-  
tion out of the State and County  
Available School Fund; providing that  
this Act shall be cumulative of all  
existing laws on this subject but  
further providing that this Act shall  
apply where in conflict therewith,  
and declaring an emergency."

Has carefully compared same and  
finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, March 27, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 66, Providing for correction of House Bill No. 266.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, March 27, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 80, "An Act to provide for and create a City-County Health Unit in any county containing an incorporated city having a population of not less than ninety thousand (90,000) inhabitants nor more than one hundred and twenty thousand (120,000) inhabitants according to the last preceding Federal Census, and to provide that the Commissioners' Court of said County and the City Council of said city may cooperate in forming a City-County Health Unit and combine the Health Units of each political subdivision for such purpose and appropriate funds to the combined Health Unit in such proportion as may be agreed to between the Commissioners Court and the City Council; said Health Unit to be under the direction and supervision of the City-County Board of Health; and providing for the election and/or appointment of members of said City-County Health Unit; and providing for the qualifications of the members of the said City-County Health Unit, and for their terms of office; and providing for the operation of said City-County Health Unit and for funds for the operation thereof; providing that a director shall be appointed to actively manage the operation of the Health Unit under the supervision of the City-County Board of Health; providing that the Commissioners' Court and the City Council shall determine the number of employees to constitute the Health Unit and the salaries of such employees, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, March 27, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 193, "An Act authorizing the Commissioners' Court in each county in this State having a population of not less than seven thousand, seven hundred (7,700) and not more than seven thousand, eight hundred (7,800); and counties having a population of not less than twelve thousand, seven hundred and twenty-five, (12,725) nor more than twelve thousand, eight hundred and twenty-five (12,825) and counties having a population of not less than seventeen thousand, five hundred and sixty (17,560) nor more than seventeen thousand, five hundred and ninety (17,590); and counties having a population of not less than twenty-three thousand, six hundred and fifty (23,650) nor more than twenty-three thousand, seven hundred (23,700); and counties having a population of not less than twenty-four thousand, two hundred (24,200) nor more than twenty-four thousand, two hundred and seventy-five (24,275), according to the last preceding Federal Census, to allow each County Commissioner certain expenses for traveling and in connection with the use of his automobile on official business only and/or in overseeing the construction and maintenance of the public roads of the county; requiring each such Commissioner to pay the expense of operation and repair of such vehicle so used by him without any further expense whatsoever to the county, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, March 27, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 234, "An Act authorizing the County School Boards of Trustees of certain counties to set aside an amount not to exceed Six Hundred Dollars (\$600) to defray the expenses of the County Superintendent and County School Board of Trustees in the administration of scholastic affairs; repealing all laws in conflict

herewith, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, March 27, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 239, "An Act providing for the amount that may be allowed by County Boards of Trustees to the County Superintendents of Public Instruction for expenditures for office and traveling expenses in certain counties according to the last preceding Federal Census; making this Act cumulative of all General Laws on the same subject, such General Laws to apply except in case of conflict when the provisions of this Act shall control, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, March 27, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 266, "An Act to amend subdivision 2 of Article 199 of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 128, Acts of the Fortieth Legislature, Regular Session, as amended by Chapter 341, Acts of the Forty-second Legislature, Regular Session; to change and prescribe the time for holding court in the Second Judicial District of Texas and the length and duration of the terms of court therein; to conform all writs and processes of said Court to such changes and make all writs and processes issued prior to the effective date of this Act and served prior or subsequent to said effective date, returnable to the terms of court in the several counties in said district as herein provided; to provide for the continuing validity of all bonds and recognizances executed and entered into prior to the effective date of this Act; to validate the summoning of grand and petit juries under existing law and render them available under the provisions of this Act; to provide

for the filing of duplicate pleadings and motions of every character and regulating the fee to be charged; to repeal all laws and parts of laws in conflict herewith; and to provide for the effective date of this Act."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, March 27, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 300, "An Act fixing the open season for taking squirrels in Shelby County; providing a suitable penalty for violation of this Act; repealing all conflicting laws, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, March 27, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 362, "An Act amending House Bill No. 309, being Chapter 53, page 101, of the Acts of the Thirty-eighth Legislature, Regular Session (1927), as amended by Senate Bill No. 520, being Chapter 210, page 499 of the Acts of the Forty-fourth Legislature, Regular Session (1935), and subdivisions 37, 45, 57, and 73 of Article 199, Title 8, Revised Civil Statutes of Texas of 1925, as amended, fixing the terms and prescribing the jurisdiction of the District Courts of the 37th, 45th, 57th, and 73rd Judicial Districts, providing for the administration of the business of said Courts, providing for the election of special Judges in case of absence, sickness, or inability of the regular Judges to act and preside in the Civil District Courts of Bexar County, Texas; fixing the effective date of the Act and the date of the expiration of the terms of Court then in session; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, March 27, 1939.  
Hon. R. Emmett Morse, Speaker of  
the House of Representatives.

Sir: Your Committee on Enrolled  
Bills, to whom was referred

H. B. No. 408, "An Act providing  
and fixing compensation for County  
Commissioners in certain counties, and  
declaring an emergency."

Has carefully compared same and  
finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, March 27, 1939.  
Hon. R. Emmett Morse, Speaker of  
the House of Representatives.

Sir: Your Committee on Enrolled  
Bills, to whom was referred

H. B. No. 468, "An Act authorizing  
and empowering the Commissioners  
Court in counties having a population  
of less than twenty thousand (20,000),  
according to the last preceding Fed-  
eral Census, and a property valuation  
of more than One Hundred Million  
(\$100,000,000.00) Dollars, according to  
the last approved county tax rolls, to  
enter into contracts and agreements  
with the governing bodies of munici-  
palities within said counties for the  
purpose of furnishing fire protection  
in such counties outside of the cor-  
porate limits of said municipalities  
and to make appropriations for pay-  
ing municipalities for such services;  
making the Act cumulative; providing  
a saving clause, and declaring an  
emergency."

Has carefully compared same and  
finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, March 27, 1939.  
Hon. R. Emmett Morse, Speaker of  
the House of Representatives.

Sir: Your Committee on Enrolled  
Bills, to whom was referred

H. B. No. 473, "An Act creating the  
office of County Purchasing Agent  
in all counties in this State having a  
population of more than one hundred  
and forty thousand (140,000) inhabi-  
tants and less than two hundred and  
ninety thousand (290,000) inhabitants,  
according to the last preceding Fed-  
eral Census, and wherein is situated  
an incorporated city of more than one  
hundred and forty thousand (140,000)  
inhabitants, according to the last pre-  
ceding Federal Census; providing bond  
for such Agent; providing generally

the rights, powers, and duties of such  
Agent in reference to the handling and  
purchase of supplies, materials, and  
equipment and in reference to the  
contracting for repairs to property,  
and for expenditures generally; pro-  
viding the means, manner, and method  
of appointment, tenure, and compen-  
sation of said Agent and deputy; pre-  
scribing offenses, fines, and penal-  
ties; prescribing the duties of certain  
other officers in connection therewith;  
and providing that if any portion of  
this Act is held unconstitutional the  
remaining part of said Act will re-  
main unaffected, and declaring an  
emergency."

Has carefully compared same and  
finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, March 27, 1939.  
Hon. R. Emmett Morse, Speaker of  
the House of Representatives.

Sir: Your Committee on Enrolled  
Bills, to whom was referred

H. B. No. 532, "An Act repealing  
Chapter 223 of the Acts of 1937,  
Forty-fifth Legislature, Regular Ses-  
sion, and declaring an emergency."

Has carefully compared same and  
finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, March 27, 1939.  
Hon. R. Emmett Morse, Speaker of  
the House of Representatives.

Sir: Your Committee on Enrolled  
Bills, to whom was referred

H. B. No. 542, "An Act amending  
House Bill No. 726, Acts of the Forty-  
fifth Legislature, approved May 5,  
1937, and creating San Antonio River  
Canal and Conservancy District un-  
der authority of Section 59 of Article  
16 of the Constitution of the State  
of Texas to be a governmental agency,  
municipality, body politic and cor-  
porate; defining certain words and  
phrases used therein; defining the  
boundaries of said District and ways  
of extending same; declaring creation  
of this District essential to accom-  
plishment of purposes of Section 59 of  
Article 16, Constitution of State of  
Texas; providing the said District  
shall not levy nor collect taxes nor  
pledge credit of the State; providing  
the powers of said District; vesting  
in said District such title and right  
of control as the State has in bed  
and banks of San Antonio River;

granting said District powers for government as contained in Chapter 25, Acts, 1925, of Thirty-ninth Legislature, and amendments thereto; providing for adoption of ordinances by said District for certain purposes and methods for passing and promulgating; authorizing said District to enter into contracts with and making transfers and assignments to the Federal Government and/or agency of the Federal Government; providing for granting franchises; prohibiting discrimination; authorizing District, by ordinance, to prescribe penalties for violation of provisions of franchise; providing for District constabulary; providing for enforcement of penalties; providing for duties of State Board of Water Engineers and Reclamation Engineers; providing for Board of nine (9) Directors, naming the first Board and fixing the terms of office of each; providing for qualification of members of Board of Directors and methods of appointing Directors; prescribing method of qualifying by Directors and their compensation and expenses; providing Directors not disqualified from serving as employee or representative of District but disqualified to vote on question of such employment involving himself; providing methods for removal or suspension of Officers and Directors; providing for organization and meeting of and powers of Board of Directors; providing for payment of all debts out of income; providing for issuance of bonds not in excess of Five Million (\$5,000,000.00) Dollars and prescribing method and procedure relating to issue and sale of bonds; authorizing purchase by District of its bonds; prohibiting the mortgaging of any property belonging to the District; authorizing sale by District of property not required for use by District and prescribing method of such sale exempting all property of the District from forced sale except personal property; providing that all bonds of the District shall be exempt from taxation except inheritance taxes; providing that the District shall not be required to give bond on any appeal; providing for a liberal construction of the Act; making certain other provisions; providing a saving clause, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, March 27, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 558, "An Act making an appropriation out of the General Fund of the State of Texas for the Secretary of State for the biennium beginning September 1, 1939, and ending August 31, 1941, for the purpose of compiling, editing, indexing, binding, and distributing the current laws; making same immediately available, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, March 27, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 559, "An Act authorizing the Commissioners Court in any county having a population of not less than seventy-four thousand (74,000) and not more than seventy-six thousand (76,000), according to the last preceding United States Census, and not less than Forty-one Million (\$41,000,000.00) Dollars and not more than Forty-five Million (\$45,000,000.00) Dollars taxable valuation, according to the last available tax roll to allow each County Commissioner in such counties certain expenses for traveling and in connection with the use of his automobile on official business; requiring each such Commissioner to pay the expenses of operation and repair of each automobile used by him without further expense to the county, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, March 27, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 572, "An Act authorizing the Judges of County Courts at Law and County Criminal Courts in certain counties to hold court for or with one another, and conferring the necessary civil jurisdiction upon



Judges of County Criminal Courts to enable them to hold court for or with Judges of County Courts at Law, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, March 27, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 595, "An Act fixing the compensation of Sheriffs in all counties of the State of Texas having a population of not less than twenty-seven thousand, two hundred and thirty-five (27,235) and not more than twenty-seven thousand, three hundred (27,300), according to the last preceding Federal Census, in which there are no District Attorneys; providing for the appointment by such Sheriffs of such counties of at least one special Deputy Sheriff and one Deputy Sheriff; prescribing the powers and duties of such deputies; fixing the compensation therefor; providing mode and manner of payment of such salaries; providing that this Act shall be cumulative of all other Acts not in conflict herewith; repealing all laws and parts of laws in conflict to the extent of the conflict only, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, March 27, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 599, "An Act to diminish the civil and criminal jurisdiction of the County Court of Stephens County, Texas, and to conform the jurisdiction of the District Court of such County to such change; to preserve the jurisdiction and power of the County Court of Stephens County, Texas, over certain final judgments rendered prior to the passage of this Act; to require the County Clerk of such County to transmit all papers in pending civil and criminal cases to the District Court of said County; and to continue in effect the filing date of papers

previously filed in the County Court in said pending cases; to fix fees that the District Clerk of such County will be authorized to charge in connection with filing of papers so transmitted to him; to provide for the County Attorney of Stephens County, Texas, to represent the State in misdemeanor cases in the District Court, and to declare an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, March 27, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 611, "An Act creating a Special Road Law for Carson County, Texas, providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of January 31, 1939, by the issuance of funding bonds; providing that items of indebtedness as of said date, in the form of scrip, time warrants, or funding warrants, may be included in such funding bond issue; setting forth the method of issuing such funding bonds; validating all acts of the Commissioners Court and of the county officials of said County in issuing said scrip or warrants; validating said scrip or warrants; providing that the General Laws pertaining to roads and bridges shall be applicable to said County when not in conflict with the provisions hereof; repealing all laws and parts of laws in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, March 27, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 648, "An Act regarding the trapping, taking, and killing of wild fox in Bell County, for a period of two (2) years; providing conditions and exceptions; providing a penalty for the violation of this Act; re-

pealing laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, March 27, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 654, "An Act making it unlawful to trap, snare, shoot, catch, or kill any wild fox in Nacogdoches County for a period of two (2) years; providing certain exceptions; fixing the effective date of the Act; and providing a penalty for violation, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, March 27, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 744, "An Act for the purpose of better preserving the game and fish resources of Calhoun, Matagorda, and Jackson Counties by closing certain waters in Calhoun, Matagorda, and Jackson Counties to certain types of net fishing and prohibiting the use of the oyster dredge in certain areas and making legal the operation of the pocket net or drag seine in certain waters; providing a penalty; repealing House Bill No. 232 of the Regular Session of the Forty-fifth Legislature, House Bill No. 67, Acts of the First Called Session of the Forty-fifth Legislature, and Article 937a, Penal Code of the State of Texas, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, March 27, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 769, "An Act to amend Article 326 of the Penal Code of the

State of Texas, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, March 27, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 783, "An Act creating a closed season upon wild deer, buck, doe, fawn, or wild turkey for a period of five (5) years in San Augustine and Sabine Counties, in the State of Texas; making it unlawful for any person to hunt, trap, ensnare, kill, or attempt to kill by any means whatsoever, any wild deer, buck, doe, fawn, or wild turkey within said Counties for a period of five (5) years; providing a penalty therefor; repealing all laws in conflict, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, March 27, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 800, "An Act making it unlawful to hunt, shoot, or kill any wild deer and/or wild turkey for a period of three (3) years from and after the effective date of this Act in the Counties of Brazos, Grimes, and Montgomery, State of Texas; fixing a penalty; repealing all laws and parts of laws in conflict herewith in so far as they apply to Brazos, Grimes, and Montgomery Counties, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, March 27, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 804, "An Act making it unlawful for any person to hunt, trap, kill, or attempt to kill by any means whatsoever, any wild turkey, Chachalaca or wild Mexican pheasant in the County of Comal for a period of four

(4) years; providing a penalty; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, March 27, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 805, "An Act repealing House Bill No. 138, Chapter 63, page 1990, Special Laws of the Second Called Session of the Forty-fifth Legislature, 1937, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, March 27, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 806, "An Act providing for and fixing compensation for County Auditors in certain counties, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, March 27, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 817, "An Act amending Article 6869, Revised Civil Statutes of Texas of 1925, as amended by Acts, 1929, Forty-first Legislature, First Called Session, page 283, Chapter 113, Section 1, by adding a new Section thereto, to be known as Article 6869b; providing for the number of deputy sheriffs in counties having a population of less than twenty thousand (20,000), according to the last preceding Federal Census, and having a property valuation in excess of One Hundred Million Dollars (\$100,000,000), according to the approved State and County tax rolls for the preceding year, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, March 27, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 825, "An Act validating any orders and proceedings directed toward the issuance of bonds for Justice Precinct No. 5 of Falls County, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, March 27, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 830, "An Act to validate, ratify, approve, confirm, and declare enforceable all levies and assessments of ad valorem taxes heretofore made by certain county line independent school districts, partly situated in three (3) counties, the supervision of said school being located in counties having a population not less than seventeen thousand (17,000) nor more than seventeen thousand, five hundred (17,500), as shown by the last preceding Federal Census, not in excess of a limit now provided by law. Such levies validated are the same as are now on record in the Auditor's Division of the State Department of Education; such levies and assessments are void or unenforceable because the same were made and adopted by resolution, motion, or other informal action, and because of the failure of the governing body of such districts to appoint the proper and Statutory Board of Equalization; and which are insufficient and void, or unenforceable on account of technical irregularities in the manner of preparing the books and reports of Assessors assessing such property; and all equalizations of said valuations of such property for taxation purposes made by the Boards of Equalization acting for any such school districts, which are irregular or insufficient because the reports of such equalizations were adopted and accepted orally, or by other informal action; and the acts of making such equalization were made orally or informally, or in incomplete form; providing this Act shall not affect suits pending at the time same becomes effective;

and further providing that this Act shall not validate any valuation placed upon property by any Board of Equalization or any Tax Assessor where such property has been valued in excess of its reasonable cash market value, or where such property has been discriminated against as to value or placed upon the rolls at a higher value than property of like kind and character, or at a greater percentage of its value than other property assessed for taxation; repealing all laws and parts of laws in conflict with this Act and especially repealing House Bill No. 209, Acts of the Forty-sixth Legislature, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, March 27, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 844, "An Act to repeal House Bill No. 579, Acts of the Reg-

ular Session of the Forty-fourth Legislature, making it unlawful for any person to take or catch any fish in the waters of any stream, lake, pool, or reservoir of certain counties in this State during the months of April and May of each year; fixing a penalty, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

## SENT TO THE GOVERNOR

March 27, 1939

House Bill No. 408.

House Bill No. 806.

House Bill No. 193.

House Bill No. 825.

House Bill No. 473.

House Bill No. 805.

House Bill No. 572.

House Bill No. 11.

House Bill No. 80.

House Bill No. 800.

House Bill No. 769.

In Memory of  
**Honorable W. W. Turney**

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Mr. Isaacks offered the following resolution:

H. S. R. No. 187, In memory of Honorable W. W. Turney.

Whereas, On the 23rd day of March, 1939, the Honorable W. W. Turney of El Paso, one of Texas' noblemen, departed this life; and

Whereas, He was one of Texas' leading citizens, and for more than fifty-three years a citizen of the extreme western portion of Texas where he was one of the leaders in all of the more noble phases of human endeavor. He was born in Harrison County nearly seventy-eight (78) years ago, and graduated from one of Texas' leading institutions, Sam Houston Normal Institute, and in 1886 removed to Fort Davis, and began work in his then chosen profession, that is, teaching in the public schools. He soon began the study of law, the profession he had practiced at the time of his death for more than fifty years, and in which profession he soon became a leader, not only of West Texas but of the entire State, and was active in his profession until a few days before his death; and

Whereas, The Honorable W. W. Turney was a former Member of the House of Representatives of Texas during the Twenty-third and Twenty-fourth Legislatures. During his first term, he was a citizen of Alpine, and during his second term, a citizen of El Paso; he was also a Member of the Twenty-fifth, Twenty-sixth and Twenty-seventh Legislatures, representing the Twenty-fifth Senatorial District, with his residence in the City of El Paso, and as a Representative and Senator, he achieved much prominence on account of his firm stand for and able presentation of constitutional and democratic principles of government; and

Whereas, His activities were not limited to his professional or political life, but he was a great leader in all civic matters concerning the welfare of the State, and especially of the extreme western portion thereof, having been actively engaged nearly all of his life in West Texas' leading industry of cattle raising, having served as two terms as President of the Texas Cattle Raisers' Association, now the Texas Southwestern Cattle Raisers Association, and one term as Vice President of the American Live Stock Association; and in addition to his personal activities, he always either headed or became active in each movement for the promotion of all civic and worthwhile religious movements in his community, having been almost a life member of the Methodist Church, and for many years active in its counsels; and

Whereas, The Members of the House of Representatives today wish to offer some expression of regret and profound sorrow at the passing of this outstanding, worthy citizen and statesman, and it behooves them to survey the life history of this departed Member of both Houses of this Legislature; and

Whereas, He has given to his surviving family a heritage of which they may be justly proud, and to the citizenship of the State of Texas a public service that may well be emulated by us today, and a career graven on the hopes and hearts of his fellowmen; and

Whereas, Senator Turney himself, during the nearly seventy-eight years of his life, by his sterling citizenship and sound statesmanship, has

erected to his own memory a monument enshrined on the hearts and lives of those souls whom he so lavishly gave his life; now, therefore, be it

Resolved by the House of Representatives, That a page of the House Journal of this day be dedicated to the memory of the Honorable W. W. Turney, and as a tribute to a man who brought honor in the faithful service he has rendered his State at all times; and, be it further

Resolved, That the Chief Clerk of the House of Representatives send to Mrs. Iva Guthrie Turney, wife of the deceased, with whom he had lived and labored for almost half a century, a copy of this resolution, under the seal of the House of Representatives, and when this House adjourns today, it do so in honor and respect accorded to the life, works and faith of the Honorable W. W. Turney.

ISAACKS,  
BRIDGERS.

The resolution was read second time.

Signed—Morse, Speaker; Allen, Allison, Alsup, Anderson, Bailey, Baker of Fort Bend, Baker of Grayson, Bell, Blankenship, Bond, Boyd, Boyer, Bradbury, Bradford, Bray, Broadfoot, Brown of Cherokee, Brown of Nacogdoches, Bundy, Burkett, Burney, Cauthorn, Celaya, Chambers, Clark, Cleveland, Cockrell, Coleman, Colquitt, Mrs. Colson, Cornett, Corry, Crossley, Daniel, Davis of Jasper, Davis of Upshur, Dean, Derden, Dickison, Dickson, Donaghey, Dowell, Dwyer, Faulkner, Felty, Ferguson, Fielden, Fuchs, Galbreath, Gilmer, Goodman, Mrs. Gordon, Hale, Hamilton, Hankamer, Hardeman, Hardin, Harp, Harper, Harrell of Bastrop, Harrell of Lamar, Harris, Hartzog, Heflin, Holland, Howard, Howington, Hull, Hunt, Johnson of Ellis, Johnson of Tarrant, Keith, Kennedy, Kern, Kerr, Kersey, Kinard, King, Langdon, Lehman, Leonard, Leyendecker, Little, Lock, Loggins, London, Mays, McAlister, McDaniel, McDonald, McFarland, McMurry, McNamara, Mohrmann, Monkhouse, Montgomery, Morris, Newell, Nicholson, Oliver, Pace, Petsch, Pevehouse, Piner, Pope, Ragsdale, Reader of Bexar, Reader of Erath, Reaves, Reed, Rhodes, Riviere, Roach, Roberts, Robinson, Russell, Schuenemann, Segrist, Shell, Skiles, Smith of Frio, Smith of Hopkins, Smith of Matagorda, Spencer, Stinson, Stoll, Talbert, Tarwater, Taylor, Tennant, Thornberry, Thornton, Turner, Vale, Vint, Voigt, Waggoner, Weldon, Wells, Westbrook, White, Wilson, Winfree, Wood, Worley and Wright.

On motion of Mr. Leyendecker, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

In Memory of

**Mrs. Pearl Comstock**

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Mr. Shell offered the following resolution:

H. S. R. No. 190, In memory of Mrs. Pearl Comstock.

Whereas, The House of Representatives has learned with regret of the untimely death of Mrs. Pearl Comstock, daughter of our beloved Chaplain, Reverend George W. Coltrin; and

Whereas, In her passing the community in which she lived has suffered the loss of a fine Christian woman, and her family will miss the love and affection of a devoted daughter; now, therefore, be it

Resolved by the House of Representatives, That the Members thereof deeply regret the passing of this worthy woman, and extend our sincere sympathy to her family, and that the Chief Clerk of the House of Representatives be instructed to send flowers to this bereaved family; and that the cost of same be charged out of the Contingent Expense Account of the House; and, be it further

Resolved, That a copy of this resolution be spread upon the House Journal of today in memory of the deceased; and, be it further

Resolved, That the Chief Clerk of the House of Representatives be instructed to forward a copy of this resolution to the family of Mrs. Pearl Comstock.

SHELL.

The resolution was read second time.

Signed—Morse, Speaker; Allen, Allison, Alsup, Anderson, Bailey, Baker of Fort Bend, Baker of Grayson, Bell, Blankenship, Bond, Boyd, Boyer, Bradbury, Bradford, Bray, Bridgers, Broadfoot, Brown of Cherokee, Brown of Nacogdoches, Bundy, Burkett, Burney, Cauthorn, Celaya, Chambers, Clark, Cleveland, Cockrell, Coleman, Colquitt, Mrs. Colson, Cornett, Corry, Crossley, Daniel, Davis of Jasper, Davis of Upshur, Dean, Derden, Dickison, Dickson, Donaghey, Dowell, Dwyer, Faulkner, Felty, Ferguson, Fielden, Fuchs, Galbreath, Gilmer, Goodman, Mrs. Gordon, Hale, Hamilton, Hankamer, Hardeman, Hardin, Harp, Harper, Harrell of Bastrop, Harrell of Lamar, Harris, Hartzog, Heflin, Holland, Howard, Howington, Hull, Hunt, Isaacks, Johnson of Ellis, Johnson of Tarrant, Keith, Kennedy, Kern, Kerr, Kersey, Kinard, King, Langdon, Lehman, Leonard, Leyendecker, Little, Lock, Loggins, London, Mays, McAlister, McDaniel, McDonald, McFarland, McMurry, McNamara, Mohrmann, Monkhouse, Montgomery, Morris, Newell, Nicholson, Oliver, Pace, Petsch, Pevehouse, Piner, Pope, Ragsdale, Reader of Bexar, Reader of Erath, Reaves, Reed, Rhodes, Riviere, Roach, Roberts, Robinson, Russell, Schuenemann, Segrist, Skiles, Smith of Frio, Smith of Hopkins, Smith of Matagorda, Spencer, Stinson, Stoll, Talbert, Tarwater, Taylor, Tennant, Thornberry, Thornton, Turner, Vale, Vint, Voigt, Waggoner, Weldon, Wells, Westbrook, White, Wilson, Winfree, Wood, Worley and Wright.

On motion of Mr. Schuenemann, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.